



---

Volume 31 (2001)

Pennsylvania Bulletin  
Repository

---

5-26-2001

**May 26, 2001 (Pages 2661-2776)**

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/pabulletin\\_2001](https://digitalcommons.law.villanova.edu/pabulletin_2001)

---

### Recommended Citation

Pennsylvania Legislative Reference Bureau, "May 26, 2001 (Pages 2661-2776)" (2001). *Volume 31 (2001)*. 21.

[https://digitalcommons.law.villanova.edu/pabulletin\\_2001/21](https://digitalcommons.law.villanova.edu/pabulletin_2001/21)

This May is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 31 (2001) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

# PENNSYLVANIA BULLETIN

Volume 31

Number 21

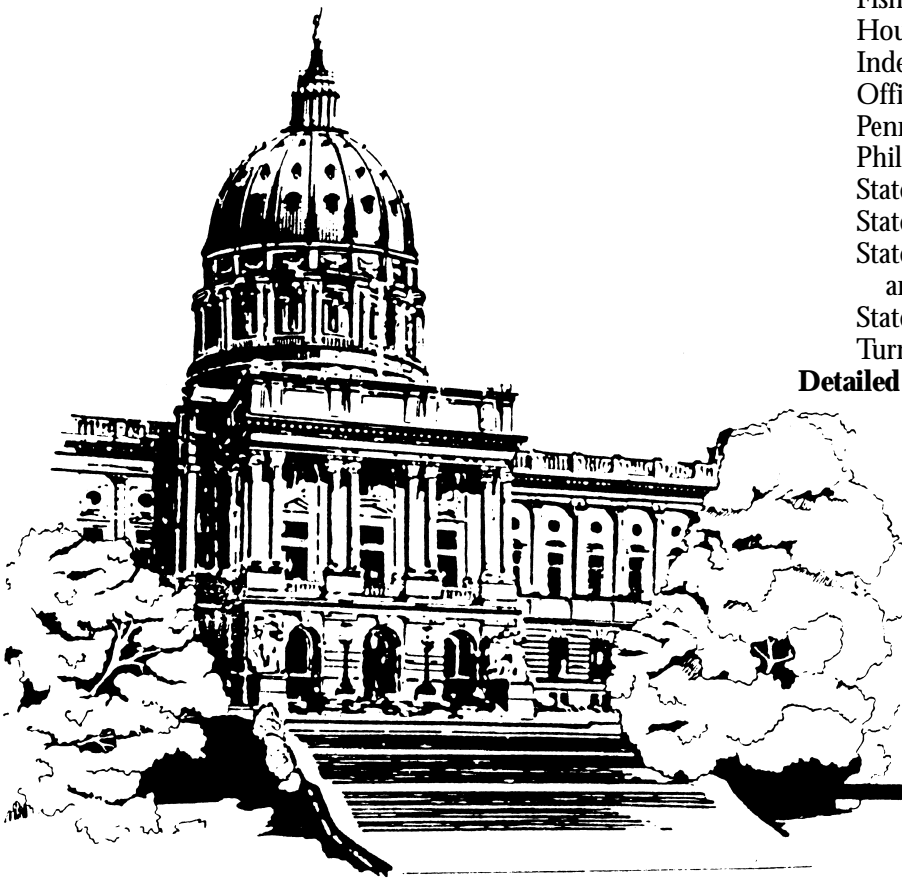
Saturday, May 26, 2001 • Harrisburg, Pa.

Pages 2661—2776

**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Fish and Boat Commission  
Housing Finance Agency  
Independent Regulatory Review Commission  
Office of Attorney General  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Barber Examiners  
State Board of Education  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
State Charter School Appeal Board  
Turnpike Commission

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 318, May 2001**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**

**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

Postmaster send address changes to:

**FRY COMMUNICATIONS**

**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, Pennsylvania 17055-3198**

**(717) 766-0211 ext. 2340**

**(800) 334-1429 ext. 2340 (toll free, out-of-State)**

**(800) 524-3232 ext. 2340 (toll free, in State)**

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**

**Attn: *Pennsylvania Bulletin***

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

Copyright © 2001 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

### LOCAL COURT RULES

#### Warren County

Adoption of proposed local rule L205, exhibit L205,  
proposed/revised rule L212, proposed/revised rule  
L1301, exhibit L1301; no. 23 of 2001 misc. .... 2683

### RULES OF CIVIL PROCEDURE

Proposed amendment to the rules of civil procedure  
governing judgement liens and revival of judge-  
ment liens; proposed recommendation no. 174 .... 2669

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications..... 2698  
Maximum lawful rates of interest for residential  
mortgages for the month of June 2001 ..... 2699

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices..... 2699  
Availability of technical guidance ..... 2744  
General NPDES permit for wet weather discharges  
from combined sewer systems (PAG-6) ..... 2744  
Proposed revisions to the State implementation plan  
for the Philadelphia ozone nonattainment area;  
public hearings ..... 2745  
Public meetings/hearings on draft antidegradation  
guidance ..... 2746

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards..... 2775  
Design professional selection ..... 2746  
Proposed plan for the disposition of Commonwealth  
property..... 2748  
State contracts information..... 2767

### DEPARTMENT OF HEALTH

#### Notices

Availability of Draft Abstinence Based Education  
and Related Services Grant application for Fed-  
eral fiscal year 2002 ..... 2748

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

Payments to nursing facilities; April 1, 2001 final  
rates..... 2748

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Super Lucky 7's instant lottery game . 2749  
Realty transfer tax; 2000 common level ratio real  
estate valuation factors ..... 2754

### DEPARTMENT OF TRANSPORTATION

#### Notices

Finding (2 documents) ..... 2755

### FISH AND BOAT COMMISSION

#### Notices

Triploid grass carp permit application..... 2755

### HOUSING FINANCE AGENCY

#### Notices

Request for proposals ..... 2756

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued ..... 2756

### OFFICE OF ATTORNEY GENERAL

#### Rules and Regulations

Debt collection trade practices ..... 2685

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Merger by acquisition of stock ..... 2758  
Service of notice of motor carrier applications..... 2759  
Telecommunications (3 documents)..... 2762

### PHILADELPHIA REGIONAL PORT AUTHORITY

#### Notices

Request for bids ..... 2762

### STATE BOARD OF BARBER EXAMINERS

#### Proposed Rulemaking

Standards for disinfection and sanitation..... 2686

### STATE BOARD OF EDUCATION

#### Notices

Approval of PSSA general performance level de-  
scriptors and performance level scores ..... 2763

### STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

#### Proposed Rulemaking

Sanitation; general revisions..... 2691

### STATE CHARTER SCHOOL APPEAL BOARD

#### Notices

Scheduled of meetings ..... 2764

### TURNPIKE COMMISSION

#### Notices

Retention of a systems integrator/engineering firm.. 2764

---

**Now Available Online at <http://www.pabulletin.com>**

---

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2001.

### 4 Pa. Code (Administration)

#### Adopted Rules

1 .....	1455
6 .....	2546
7 .....	1456

#### Proposed Rulemaking

243 .....	1587
245 .....	1587
259 .....	2124

#### Statements of Policy

9 .....	11, 648, 948, 1862, 2382
---------	--------------------------

### 7 Pa. Code (Agriculture)

#### Adopted Rules

21 .....	1682
130c .....	1691
137 .....	1701
137a .....	1701
137b .....	1701
138g .....	2110
138i .....	1729
138j .....	2116
138k .....	2110

#### Statements of Policy

150 .....	2384
-----------	------

### 17 Pa. Code (Conservation and Natural Resources)

#### Statements of Policy

44 .....	650
----------	-----

### 10 Pa. Code (Banks and Banking)

#### Proposed Rulemaking

44 .....	1236, 1564
----------	------------

### 22 Pa. Code (Education)

#### Proposed Rulemaking

4 .....	2136
73 .....	2017

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

78 .....	1736
86 .....	145
240 .....	1742
250 .....	235
287 .....	235
288 .....	235
289 .....	235
291 .....	235
293 .....	235
295 .....	235
297 .....	235
299 .....	235
1021 .....	428

#### Proposed Rulemaking

93 .....	2375
218 .....	943
221 .....	792
227 .....	792
228 .....	792

261a .....	796
271 .....	796
272 .....	796
901 .....	1233
977 (correction) .....	158

### 28 Pa. Code (Health)

#### Adopted Rules

25 .....	2373
----------	------

#### Proposed Rulemaking

27 .....	2126, 2271
28 .....	2271
501 .....	2271
701 .....	2124
703 .....	2124

### 31 Pa. Code (Insurance)

#### Adopted Rules

3 .....	2000
11 .....	2001
89 (correction) .....	145
147 .....	2002

#### Proposed Rulemaking

146a .....	1748, 1858
------------	------------

### 34 Pa. Code (Labor and Industry)

#### Proposed Rulemaking

65 .....	1564
----------	------

### 37 Pa. Code (Law)

#### Adopted Rules

31 .....	1145
33 .....	1145
303 .....	2685

#### Proposed Rulemaking

91 .....	2476
93 .....	2476
421 .....	788

### 40 Pa. Code (Liquor)

#### Adopted Rules

5 .....	430
7 .....	430
9 .....	430
11 .....	430
13 .....	430

### 49 Pa. Code (Professional and Vocational Standards)

#### Adopted Rules

3 .....	1225
9 .....	1744
11 .....	147, 151, 1154
39 .....	1362
40 .....	537
43b .....	1227

#### Proposed Rulemaking

3 .....	2686
13 .....	1468
16 .....	2181
18 .....	2181

19 .....	822, 2691
21 .....	809
27 .....	2480
29 .....	1858
40 .....	1470, 2379
41 .....	2380
47 .....	1571
48 .....	1571
49 .....	1571

**52 Pa. Code (Public Utilities)**  
**Adopted Rules**

62 .....	2005
64 .....	641

**Proposed Rulemaking**

59 .....	805
63 .....	809

**Statements of Policy**

41 .....	2385
69 .....	951

**Proposed Statements of Policy**

41 .....	2389
----------	------

**58 Pa. Code (Recreation)**

**Adopted Rules**

65 .....	1368
111 .....	1369
141 .....	1370, 2577
143 .....	1460

**Proposed Rulemaking**

53 .....	1461
61 .....	1373
69 .....	1373
91 .....	1375
93 .....	1377
105 .....	1379
111 .....	1375
131 .....	1746
137 .....	1746
139 .....	1463, 1746
141 .....	2019
143 .....	1566
147 .....	1566

**61 Pa. Code (Revenue)**

**Adopted Rules**

899 .....	2474
-----------	------

**Proposed Rulemaking**

71 .....	2582
----------	------

**Statements of Policy**

85 .....	2585
----------	------

**201 Pa. Code (Judicial Administration)**

**Adopted Rules**

1 .....	1319
3 .....	1555

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

82 .....	1319
83 .....	2108
91 .....	2361

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

21 .....	2364
51 .....	1556

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

3 .....	7, 2469
9 .....	2469
11 .....	2469
13 .....	2469
17 .....	2469
19 .....	2469
25 .....	627, 2469
35 .....	2108
65 .....	2108
67 .....	1458

**Proposed Rulemaking**

31 .....	2470
37 .....	2470

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

Article I .....	1993
Article IV .....	1993
Article V .....	1993
Article VIII .....	1993
Article X .....	1993

**Proposed Rulemaking**

Article I .....	405
Article VII .....	406
Article VIII .....	406
Article IX .....	407

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

100 .....	137
200 .....	410, 627
1500 .....	629
2120 .....	137
2150 .....	137
2170 .....	137
Part II .....	7

**Proposed Rulemaking**

200 .....	411, 415
1000 .....	411, 415
1300 .....	2364, 2669
1910 .....	1843
1930 .....	1843
2170 .....	2365
2950 .....	2669
3000 .....	416, 2669

**234 Pa. Code (Rules of Criminal Procedure)**

**Proposed Rulemaking**

5 .....	2549, 2554
11 .....	2549

**237 Pa. Code (Juvenile Rules)**

Unclassified .....	630
--------------------	-----

**246 Pa. Code (Minor Court Rules)**

**Adopted Rules**

100 .....	1556
300 .....	926



**Proposed Rulemaking**

200 ..... 1319  
300 ..... 1319  
400 ..... 1319  
500 ..... 1319  
1000 ..... 1319

**249 Pa. Code (Philadelphia Rules)**

Unclassified .....534, 1139, 1223, 1325,  
1677, 1996, 2471

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 630

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 9, 139, 418, 423, 424,  
534, 535, 536, 638, 639, 640,  
780, 785, 786, 926, 941, 942, 1139,  
1142, 1143, 1223, 1326, 1360, 1458, 1459,  
1557, 1562, 1677, 1678, 1846, 1855, 1856, 1857,  
1996, 1999, 2270, 2366, 2369, 2370, 2472,  
2558, 2567, 2568, 2572, 2575, 2576, 2683

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 1300, 2950 AND 3000]

#### Proposed Amendment to the Rules of Civil Procedure Governing Judgment Liens and Revival of Judgment Liens; Proposed Recommendation No. 174

The Civil Procedural Rules Committee proposes that the Rules of Civil Procedure be amended by promulgating new rules governing judgment liens and amending existing rules governing revival of judgment liens. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than July 15, 2001 to:

Harold K. Don, Jr., Esquire  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055  
or E-Mail to  
civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1300. COMPULSORY ARBITRATION

##### Subchapter A. RULES

#### Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award.

\* \* \* \* \*

(b) The award for the payment of money when entered in the judgment index shall be a lien **[upon the party's real estate, which]** on real property located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue during the pendency of an appeal or until extinguished according to law.

**[Official Note: Subdivision (b) continues the practice under the Act of June 16, 1836, P. L. 715, 5 P. S. § 54, repealed by the Judiciary Act Repealer Act of 1978 (JARA), 42 P. S. § 20002(a)(149).]**

(c) If no appeal is taken within thirty days after the entry of the award on the docket, the prothonotary on praecipe shall enter judgment on the award.

**[Official Note: Subdivision (c) continues the practice under the Act of June 16, 1836, P. L. 715, 5**

**P. S. § 58, repealed by JARA, and under superseded Rule 247.1. ]**

\* \* \* \* \*

#### CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

##### Rule 2963. Praecipe for Writ of Execution. Certification. Form.

The praecipe for a writ of execution upon a confessed judgment shall be substantially in the following form:

[Caption]

#### PRAECIPE FOR WRIT OF EXECUTION UPON A CONFESED JUDGMENT

To the Prothonotary:

Issue writ of execution upon a judgment entered by confession in the above matter,

\* \* \* \* \*

(4) and **[index]** enter this writ in the judgment index

\* \* \* \* \*

#### Official Note:

\* \* \* \* \*

Paragraph (4)(a) should be completed only if **[indexing]** entry of the execution in the county of issuance is desired as authorized by Rule 3104(a). When the writ issues to another county **[indexing]** entry is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4)(b) should be completed only if real property in the name of a garnishee is attached and **[indexing]** entry as a lis pendens is desired. See Rule 3104(c).

\* \* \* \* \*

#### CHAPTER 3000. JUDGMENTS

##### Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES

##### Rule 3002. Transfer to another county.

\* \* \* \* \*

(b) The prothonotary of the court to which a judgment is transferred shall forthwith enter it in the appropriate docket and in the judgment index **[it]** against the defendant.

\* \* \* \* \*

*(Editor's Note: Rules 3020—3023 are new and printed in regular type to enhance readability.)*

##### Rule 3020. Definition.

As used in this chapter, "judgment" means a judgment, order or decree requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth or a political subdivision.

**Official Note:** Political subdivision includes a municipal or other local authority. See Definition Rule 76.

**Rule 3021. Verdict. Judgment. Entry in Judgment Index.**

(a) The prothonotary shall enter a verdict or order for a specific sum of money in the judgment index with the notation "verdict" or "order" and include its amount and the date and time it was rendered.

**Official Note:** See also Rule 1307(a) governing the entry by the prothonotary of an award in compulsory arbitration and Rule 3027(a) governing the entry of a writ of revival.

(b) Upon entry of judgment by the court, on order of court or on praecipe of a party, the prothonotary shall immediately enter the judgment in the judgment index. The entry in the judgment index shall state

- (1) the names of the parties,
- (2) the number of the case,
- (3) the amount of the judgment if for a sum certain, and
- (4) the date and time of entry in the judgment index.

**Official Note:** Section 8142 of the Judicial Code, 42 Pa.C.S. § 8142(e), requires the prothonotary to "note on the dockets in such office where each verdict, judgment, order, instrument or writ creating a lien against real property is entered, the time it was recorded, rendered, left for filing, or issued."

The rule presumes a channel of communication between the court and prothonotary so that the prothonotary may "immediately" docket a judgment entered by the court.

**Rule 3022. Verdict or Order. Entry. Lien.**

A verdict or order for a specific sum of money shall be a lien on real property located within the county, title to which at the time of the rendition of the verdict or order is recorded in the name of the person against whom the verdict or order was rendered. The lien shall

- (1) date from the time of the rendition of the verdict or order, provided that no innocent purchaser without notice shall be prejudiced, and
- (2) continue for five years unless the verdict is sooner reduced to judgment or the court sooner awards a new trial or enters a judgment notwithstanding the verdict.

**Official Note:** An order is defined by section 102 of the Judicial Code, 42 Pa.C.S. § 102, to include, inter alia, a decision, a decree and an adjudication.

Section 8141(3) of the Judicial Code provides that the lien of a verdict for a specific sum of money shall have priority from the time it is recorded by the court. Section 8142(b) provides for the endorsement of time on recorded verdicts.

An award of arbitrators in compulsory arbitration is a lien as provided by Rule 1307(b).

"Overdue support obligations of this or any other state which are on record at the county domestic relations section shall constitute a lien by operation of law against all real property owned by the obligor within the county as provided in subsection (d.1)." See Section 4352(d) of the Domestic Relations Code, 23 Pa.C.S. § 4352(d).

**Rule 3023. Judgment. Lien. Duration.**

(a) Except as provided by subdivision (b), a judgment when entered in the judgment index shall be a lien on real property located in the county, title to which at the

time of entry is recorded in the name of the person against whom the judgment is entered.

**Official Note:** See Rule 3001 et seq. for the transfer of a judgment to another county.

See Rule 3027 for the lien of the writ of revival or of the agreement to revive and Rule 3031.1 for the lien of a judgment of revival.

(b) A judgment upon a verdict, an order or an award in compulsory arbitration, when entered in the judgment index, shall

(1) continue the lien upon real property located in the county which is subject to the lien of the verdict, order or award upon which the judgment is entered, and

**Official Note:** The continued lien of a verdict or order dates from the time the verdict or order was rendered provided that no innocent purchaser without notice is prejudiced. See Rule 3022(1). The continued lien of an award in compulsory arbitration dates from entry of the award in the judgment index. See Rule 1307(b).

(2) create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of the person against whom the judgment is entered.

(c) The lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is sooner discharged or the lien is sooner revived.

**Official Note:** A judgment lien may be revived in the manner provided by Rule 3025 et seq.

#### Subchapter B. REVIVAL OF [ JUDGEMENTS ] JUDGMENT LIENS

**Rule 3025. Commencement of proceedings. Venue.**

A proceeding to revive [ and continue ] which **continues or creates** the lien of a judgment may be commenced by filing with the prothonotary of the county in which the judgment has been entered

- (1) a praecipe for a writ of revival in substantially the form provided by Rule [ 3033 ] 3032, or
- (2) an agreement to revive [ judgment ] in substantially the form provided by Rule 3034.

**Official Note:** [ For the substantive law governing the revival of judgments against defendants and terre tenants see the Judgment Lien Law of 1947, 12 P. S. § 877 et seq. ]

The Acts approved September 26, 1951, P. L. 1505, 12 P. S. 855, as amended, and May 16, 1923, P. L. 207, as amended, 53 P. S. 7183, providing additional methods of revival of judgments in favor of the Commonwealth and for municipal and tax claims by the filing of suggestion of nonpayment remain unsuspended by these rules.

The Act approved April 22, 1909, P. L. 112, 12 P. S. 875 providing for consolidation and revival of separate judgments against the same defendant remains unsuspended by these rules. ]

Section 5526(1) of the Judicial Code requires that an action for revival of a judgment lien must be commenced within five years. See also Section 605 of the Goods and Services Installment Sales Act, 69 P. S. § 1605(b), requiring that a proceeding for revival of a judgment lien subject to the Act and

entered by confession be commenced within one year from the lapse of the lien.

The revival of a judgment lien pursuant to the Commercial Real Estate Broker Lien Act is governed by these rules. See 68 P. S. § 1062.

A lien arising from an overdue support obligation retains its priority "without renewal or revival." See Section 4352(d.1)(5)(ii) of the Domestic Relations Code, 23 Pa.C.S. § 4352(d.1)(5)(ii).

The following statutes provide for revival or continuation of liens by filing with the prothonotary a suggestion of nonpayment and an averment of default:

Section 1404 of the Act of April 9, 1929, P. L. 343, as amended, 72 P. S. § 1404, providing for revival of liens for state taxes, unpaid bonus, interest and penalties;

Section 15 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7183, providing for continuation of liens on municipal and tax claims;

Section 9 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7143 relating to municipal claims for taxes, water rents or rates, lighting rates, power rates and sewer rates.

See also statutory provisions relating to revival of municipal claims and liens, 53 P. S. § 7391 et seq.

Tax liens required to be filed by the Department of Revenue continue without the necessity of revival. See the Act of April 9, 1929, P. L. 343, No. 176, § 1404.1, 72 P. S. § 1404.1, added by Section 5 of the Act of December 12, 1994, P. L. 1015, No. 138.

(*Editor's Note:* The following section is new and is printed in regular type to enhance readability.)

#### **Rule 3025.1. Consolidation of Judgments.**

(a) A judgment creditor who holds two or more judgments entered against the same person in the same county may consolidate the judgments by filing

(1) a single praecipe requesting the issuance of a single consolidated writ of revival, or

(2) an agreement to enter a consolidated judgment and revive the lien thereof.

(b) The praecipe or the agreement shall contain the court, number and amount of each judgment being consolidated.

(c) The consolidated judgment shall be entered as of the docket number of one of the judgments being consolidated and shall include the amounts due on all the consolidated judgments.

(d) The court and docket number of the consolidated judgment shall be noted on the docket of each original judgment substantially as follows: "Consolidated as part of the consolidated judgment entered at Docket No. \_\_\_\_\_ of the Court of Common Pleas of \_\_\_\_\_ County."

#### **Rule 3026. Parties. Generally.**

(a) The [ **plaintiff shall name in the** ] caption shall contain the name of the original defendant and any [ **terre tenant** ] terre-tenant against whom [ **he** ] the plaintiff seeks to revive [ **and continue** ] the lien of the judgment.

**Official Note:** [ For the effect of failure to name a defendant or terre tenant, see § 3 of the Judgment

Lien Law of 1947, 12 P. S. 879. As to joinder of personal representatives of a deceased defendant, see Probate, Estates and Fiduciaries Code, Act of June 30, 1972, P. L. 508, No. 164, § 3382, 20 Pa.C.S. § 3382. ] The terms "plaintiff" and "defendant" as used in the rules governing judgment liens and revival of judgments refer generally to the judgment creditor and judgment debtor, respectively. Thus, a defendant who holds a judgment against the plaintiff on a counterclaim would be a plaintiff for the purpose of these rules. See also Definition Rule 3101(a).

(b) If the judgment has been assigned or transferred, the caption shall contain the name of the original judgment plaintiff and the name of the real party in interest.

**Official Note:** As to joinder of personal representatives of a deceased defendant, see Section 3382 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3382.

See Rule 3026.2 governing terre-tenants as parties and Rule 3026.3 governing revival against a terre-tenant.

(*Editor's Note:* The following Rules 3026.1—3026.3 are new and are printed in regular type to enhance readability.)

#### **Rule 3026.1. Parties. Joint Defendants.**

(a) Except as provided by subdivision (b), if there is a judgment against two or more joint defendants, no revival of the lien of the judgment shall be effective against any of such defendants unless all joint defendants are made parties to the revival proceedings.

(b) If all or fewer than all joint defendants agree to be bound, the revival shall be effective against all of the defendants so agreeing.

**Official Note:** This rule does not apply where defendants are jointly and severally liable or severally liable only.

#### **Rule 3026.2 Parties. Terre-Tenants.**

(a) As used in Rule 3025 et seq., a terre-tenant is a person other than the original defendant in whom title to real property subject to a lien provided by the Rules of Civil Procedure has vested.

**Official Note:** The rules governing the action of mortgage foreclosure use the term "real owner" in a similar sense. See Rule 1144(a)(3).

See the following rules of civil procedure providing for liens upon real property: Rule 1307(b) (lien of an award in compulsory arbitration), Rule 3022 (lien of a verdict or order), Rule 3023 (lien of a judgment), Rule 3027 (lien of a writ or agreement of revival), Rule 3131.1 (lien of a judgment of revival) and Rule 3104 (lien of a writ of execution).

(b) The term "terre-tenant" shall not include

(1) any person claiming under or whose claim of title passes through a deed which is not recorded in the county where the real property is located, or

(2) any person claiming under or through a deceased defendant or terre-tenant whose will has not been filed with, or letters of administration on whose estate have not been issued by, the register of wills or orphans' court of such county.

(c) Any person claiming under or through

(1) a deceased defendant, or

(2) a deceased terre-tenant,

who was not a resident of the county at the time of death, may qualify as a terre-tenant under this rule by recording in the office of the recorder of deeds of the county where the real property is located, a certified copy of the will of the decedent, or, if the decedent died intestate, a declaration of interest accompanied by a certificate of the register of wills or probate court or officer of the county, state or country in which the decedent resided at the time of death that letters of administration have been issued in the estate of the decedent.

**Rule 3026.3. Revival of Lien of Judgment as to Property of Terre-Tenant.**

(a) Except as provided by subdivision (b), if an interest in real property subject to a lien of a judgment has been acquired by a terre-tenant, then the lien of the judgment on the property shall be revived only if the terre-tenant within the five-year period of Rule 3023(c) or Rule 3031.1(a) joins in an agreement to revive or is made a party to the writ of revival.

**Official Note:** The revival of a judgment lien continues or creates a lien upon real property. See Rule 3025.

(b) If a writ of revival or an agreement to revive is entered in the judgment index against the defendant at a time when a terre-tenant's deed or other evidence of title is of record, but without the joinder of the terre-tenant, the lien of the judgment may be revived as to the terre-tenant within five years after the recording of the terre-tenant's deed or other evidence of title by (1) agreement between the plaintiff and the terre-tenant alone or between the plaintiff, defendant and terre-tenant, or (2) a writ of revival issued against the terre-tenant alone, or against the defendant and terre-tenant jointly. The lien shall continue as to the terre-tenant for the same period as it continues against the defendant, when it must be revived against both parties.

**Official Note:** The mere recording of a terre-tenant's deed or other evidence of title is ineffective to revive a lien as to any part of the property acquired by a terre-tenant without specific revival by agreement or by writ.

For the effect of a judgment of revival against a terre-tenant, see Rule 3031.1(b).

Rule 3027. Writ of Revival. [ **Indexing.** ] **Entry.** Lien.

(a) Upon issuance of the writ of revival or the filing of an agreement [ **for a judgment of revival** ] to revive, the prothonotary shall [ **index** ] enter it in the judgment index against each defendant and [ **terre tenant** ] terre-tenant named therein.

(b) [ **The writ when indexed shall be a lien upon all real property within the county which at the time of indexing is owned by the defendant against whom the original judgment is entered** ]

**The writ or agreement, when entered in the judgment index, shall**

(1) continue the lien upon real property located in the county which is subject to the lien of the judgment which is sought to be revived, and

(2) create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of the defendant or a terre-tenant.

**Official Note:** The lien attaches whether or not the real property was owned by the defendant at the time the original judgment was [ **indexed** ] entered or the lien of the judgment was previously revived and whether or not the lien of the judgment had been lost as to the property.

(c) The lien of a writ of revival or of an agreement to revive shall continue for a period of five years from the date on which the writ or agreement was [ **indexed** ] entered.

**Rule 3028. Service of the writ.**

[ **The writ shall be served in the manner provided by Rule 400 et seq. for service of original process. A return of no service shall be equivalent to personal service.**

**Official Note:** See Rule 400 et seq. governing service and return. ]

(a) The writ shall be served within ninety days after its issuance by the sheriff or a competent adult by handing a copy in the manner provided by Rule 402 or by mailing a copy in the manner provided by Rule 403.

(b) If service cannot be made as provided by subdivision (a), then service may be made

(1) in the manner prescribed by order of court pursuant to Rule 430(a), or

**Official Note:** For example, where the Postal Service shows a good address and mail service under subdivision (a) is returned unclaimed, the court pursuant to Rule 430 may permit service by regular mail.

(2) by publication in the manner prescribed by Rule 430(b) upon the filing of an affidavit showing reasonable efforts to make service pursuant to subdivision (a) and the reasons why such service could not be made.

**Official Note:** A special order of court under Rule 430(a) is not a prerequisite to service by publication under this rule.

**Rule 3029. Reissuance and substitution of writ.**

\* \* \* \* \*

**Official Note:** See Rule [ **1010** ] 401(b) governing reissuance and substitution of a writ of summons.

**Rule 3030. Pleadings. Further Proceedings. Continuance of Lien**

\* \* \* \* \*

(c) If judgment cannot be entered on the writ within a period of five years after the [ **indexing** ] entry of the writ in the judgment index because of the further proceedings, the court before which the further proceedings are pending may enter an order continuing the lien of the writ for a period not exceeding five years. The order shall become effective when [ **indexed** ] entered in the judgment index.

**Rule 3031. Judgment upon default or admission. Assessment of damages.**

(a) The prothonotary, on praecipe of the plaintiff, shall enter judgment against a defendant or [ **terre tenant** ] terre-tenant for failure within the required time to plead to the writ or for any relief admitted to be due by the

defendant's or [ **terre tenant's** ] **terre-tenant's** pleading. The prothonotary shall assess damages as directed in the praecipe for judgment.

**Official Note:** See the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520 requiring an affidavit setting forth facts showing that the defendant is not in military service as a prerequisite to the entry of a default judgment.

See Rule 237.1 et seq. which requires a ten-day notice as a prerequisite to the entry of a default judgment.

\* \* \* \* \*

(Editor's Note: The following section is new and is printed in regular type to enhance readability.)

#### **Rule 3031.1. Judgment of Revival. Lien.**

(a) A judgment of revival when entered in the judgment index shall be a lien as provided by Rule 3027(b) governing the lien of a writ of revival. The lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is sooner discharged or revived.

(b) If an interest in real property subject to the lien of a judgment has been acquired by a terre-tenant, a judgment of revival entered against the terre-tenant shall not be a personal judgment against the terre-tenant and shall not extend to any other property of the terre-tenant.

Rule 3032. Praecipe for writ of revival. **Form.**

**The praecipe for writ of revival shall be substantially in the following form:**

[Caption]

#### **PRAECIPE FOR WRIT OF REVIVAL**

To the Prothonotary:

Issue writ of revival of **lien of** judgment entered [ **to** ] at \_\_\_\_\_ Court [ **, Term,** ] Number and [ **index** ] enter it in the judgment index against \_\_\_\_\_ (Name of Defendant(s)) \_\_\_\_\_ and (Name of [ **Terre Tenant** ] **Terre-Tenant(s)**) in the amount of \$ \_\_\_\_\_ with interest from \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Plaintiff

**Official Note:** For the definition of [ **terre tenant** ] **terre-tenant** and the substantive effect of omission of a defendant, a joint defendant, or a [ **terre tenant** ] **terre-tenant**, see [ **the Judgment Lien Law of 1947, 12 P. S. 877 et seq.** ] Rules 3026, 3026.1 and 3026.2.

Rule 3033. Writ of revival. **Form.**

**The writ of revival shall be substantially in the following form:**

[CAPTION]

#### **WRIT OF REVIVAL**

TO \_\_\_\_\_:

(Name of Defendant(s) and  
[ **Terre Tenant** ] **Terre-Tenant(s)**)

(1) You are notified that the plaintiff has commenced a proceeding to revive [ **and continue** ] the lien of the judgment entered [ **to** ] at \_\_\_\_\_ (Court, [ **Term,** ] Number)

(2) The plaintiff claims that the amount due and unpaid is \$ \_\_\_\_\_ with interest from \_\_\_\_\_.

(3) You are required within twenty (20) days after service of this writ to file an answer or otherwise plead to [ **this writ** ] it. If you fail to do so judgment of revival [ **will** ] in the amount claimed by the plaintiff may be entered without a hearing and you may lose your property or other important rights.

**YOU SHOULD TAKE THIS WRIT OF REVIVAL TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:**

\_\_\_\_\_  
(Name of Office)

\_\_\_\_\_  
(Address of Office)

\_\_\_\_\_  
(Telephone Number)

\* \* \* \* \*

**Official Note:** For definition of [ **terre tenant** ] **terre-tenant**, see [ **§ 3(d) of the Judgment Lien Law of 1947, 12 P. S. 879(d)** ] Rule 3026.2.

Rule 3034. Agreement to revive. **Form.**

The agreement to revive shall be substantially in the following form:

[Caption]

#### **AGREEMENT TO REVIVE**

The undersigned hereby agree(s) that the **lien of the** judgment entered on \_\_\_\_\_ [ **, 19** \_\_\_\_\_ to ]

**Date**

at \_\_\_\_\_ (Court, [ **Term,** ] Number) be revived and [ **the lien continued and** ] authorize(s) the prothonotary to enter [ **and** ] in the judgment index a judgment of revival in the amount of \$ \_\_\_\_\_ plus costs.

Signed and dated [ **this** \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ ] : \_\_\_\_\_.

\_\_\_\_\_  
(Defendants(s))

( [ **Terre Tenant** ] **Terre-Tenant(s)** )

**Official Note:** For the substantive effect of omission of a defendant, a joint defendant or a [ **terre tenant** ] **terre-tenant** see [ **the Judgment Lien Law of 1947** ] Rules 3026, 3026.1 and 3026.2.

See Rule 3125.1(b) for additional requirements when there is an agreement to consolidate two or more judgments against the same person and revive the lien thereof.

**Rule 3048. Acts of Assembly not suspended.**

The Rules governing the Revival of Judgment **Liens** shall not be deemed to suspend or affect:

(1) [ **Section 1 of the Act approved April 22, 1909, P. L. 112, 12 P. S. 875.** ] Section 9 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7143;

**Official Note:** This Section provides for [ **consolidation and revival of separate judgments against the same person in one proceeding** ] revival of municipi-

pal claims for taxes, water rents or rates, lighting rates, power rates and sewer rates.

(2) Section 15 of the Act approved May 16, 1923, P. L. 207, as [last] amended [June 7, 1961, P. L. 263], 53 P. S. § 7183 insofar as it authorizes revival of municipal claims by suggestion of nonpayment and averment of default[.];

(3) Section 1404 of the Fiscal Code of April 9, 1929, P. L. 343 as [last] amended [by Act No. 296 approved August 7, 1963], 72 P. S. § 1404[.];

\* \* \* \* \*

(4) [The Act approved September 26, 1951, P. L. 1505, as last amended May 3, 1956, P. L. (1955) 1528, 12 P. S. 885.] Section 1404.1 of the Act of April 9, 1929, P. L. 343, No. 176, added by Section 5 of the Act of December 12, 1994, P. L. 1015, No. 138, 72 P. S. § 1404.1;

**Official Note:** [This Act provides for revival of judgment in favor of the Commonwealth by filing and notice of suggestion of nonpayment.] This section provides for the continuation without the necessity of revival of tax liens required to be filed by the Department of Revenue.

(5) [AND all other Acts or parts of Acts authorizing special procedures for the Revival of Judgments in favor of the Commonwealth or political subdivisions.] Section 605 of the Act of October 28, 1966, Special Session No.1, P. L. 55, known as the Goods and Services Installment Sales Act, added by Section 6 of the Act of March 25, 1982, P. L. 199, No. 68, 69 P. S. § 1605;

**Official Note:** This section requires that a proceeding for revival of a judgment entered by confession, which is subject to the Act, be commenced within one year from the lapse of the lien.

(6) Section 3382 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3382;

**Official Note:** Section 3382 provides for the joinder of the personal representative of a decedent as a defendant and for the continuation of the lien on a decedent's real estate.

(7) Section 4352(d) and (d.1) of the Domestic Relations Code, 23 Pa.C.S. § 4352(d) and (d.1);

**Official Note:** Section 4352(d) imposes a lien upon real property for overdue support and Section 4352(d.1) provides for the lien to retain its priority without renewal or revival.

(8) Section 5526(1) of the Judicial Code, 42 Pa.C.S. § 5526(1);

**Official Note:** This section requires that an action for revival of a judgment lien must be commenced within five years.

(9) And all other Acts or parts of Acts authorizing special procedures for the Revival of Judgments in favor of the Commonwealth or political subdivisions.

#### **Rule 3049. Acts of Assembly suspended.**

[The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in revival of judgments entered in any court subject to these rules, in accordance with the provi-

sions of Section 1 of the Act approved June 21, 1937, P. L. 1982, No. 392 and Section 705 of the Mechanics' Lien Law of 1963;

(1) Section 2 of the Act approved April 11, 1862, P. L. 484, 12 P. S. 874.

**Official Note:** This section relates to the procedure for issuance of alias writs of scire facias.

(2) Section 1, Cl. 1 and 2, of the Act approved July 9, 1901, P. L. 614, as last amended April 24, 1931, P. L. 56, § 2, 12 P. S. 292, 293, 294 and 295, insofar as they relate to writs of scire facias to revive.

**Official Note:** The provisions of these sections relating to the service of writs of scire facias are now supplied by Rule 3028.

(3) Sections 3, 4, 5, 6 and 7(b) of the Judgment Lien Law of July 3, 1947, P. L. 1234, 12 P. S. 879, 880, 881, 882, 883(b), insofar as they authorize writs of scire facias to revive and regulate the practice and procedure therein.

(4) And all other Acts or parts of Acts inconsistent with these rules to the extent of such inconsistency.]

**Rescinded.**

\* \* \* \* \*

**Official Note:** The statutory provisions governing revival of judgment liens previously suspended by Rule 3049 have been repealed.

(*Editor's Note:* The following section is new and is printed in regular type to enhance readability.)

#### **Rule 3049.1. Abolition of Practice and Procedure Under Repealed Statutes.**

The practice and procedure provided in the following Acts of Assembly which have been repealed by the Judiciary Act Repealer Act (JARA), Act of April 28, 1978, No. 53, are hereby abolished and shall not continue as part of the common law of the Commonwealth:

(1) Section 1 of the Act of March 23, 1877, P. L. 34, 12 P. S. 861.

**Official Note:** The Act of 1877 relating to lien of verdict was repealed by Section 2(a) of JARA, 42 P. S. § 20002(a)[687].

(2) Section 1 of the Act of May 19, 1887, P. L. 132, 12 P. S. 2094.

**Official Note:** The Act of 1887 relating to execution, after five years, upon personal property was repealed by Section 2(a) of JARA, 42 P. S. § 20002(a)[740].

(3) Section 1 of the Act of April 22, 1909, P. L. 112, 12 P. S. § 875.

**Official Note:** The Act of 1909 relating to consolidation of judgments by scire facias was repealed by Section 2(a) of JARA, 42 P. S. § 20002(a)[921].

(4) Sections 2 through 7 inclusive of the Act of July 3, 1947, P. L. 1234, No. 504, known as the Judgment Lien Law, 12 P. S. 878 through 883.

**Official Note:** The Judgment Lien Law was repealed by Section 2(a) of JARA, 42 Pa.C.S. § 20002(a)[1257]. The repealed sections concerned the property subject to lien and duration of lien (§ 2), the manner of reviving lien and duration of revived lien (§ 3), scire facias as lien (§ 4), revival of lien against person in armed forces (§ 5), service of scire facias; and judgment on return of nihil

habet (§ 6), and property subject to execution, lien of execution and execution after five years (§ 7).

#### **Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY**

##### **Rule 3101. Definitions; garnishee.**

(a) As used in this chapter

"judgment" means a judgment, order, or decree requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth[ , ] or a political subdivision[ or a public authority ];

\* \* \* \* \*

(*Editor's Note:* The following section is new and is printed in regular type to enhance readability.)

##### **Rule 3101.1. Property Subject to Execution. Execution Within and after Five Years.**

(a)(1) Execution may issue within five years after entry of the judgment sought to be enforced or any judgment of revival or agreement to revive, against

(i) real property which is subject to the lien of the judgment, and

(ii) real property, title to which at the time of the entry of the writ of execution in the judgment index is recorded in the name of the person against whom the judgment is entered.

(2) If more than five years have expired since the entry of the judgment or of the last preceding judgment of revival or agreement to revive, no execution against real property may issue until a writ of revival shall have issued and been reduced to judgment or an agreement to revive entered. The execution shall issue on the judgment or agreement so entered and not on the original judgment.

(b) Execution may issue against personal property within the time allowed by law.

**Official Note:** Subdivisions (a)(1) and (2) continue the practice under Section 7 of the Act of July 3, 1947, P. L. 1234, 12 P. S. § 883 (repealed) relating to property subject to execution and execution after five years.

For the applicable law under subdivision (b), see Section 5529(a) of the Judicial Code, 42 Pa.C.S. § 5529(a) (twenty-year limitation to issue execution upon personal property). See also *Shearer v. Naftzinger*, 747 A.2d 859 (Pa. 2000).

A proceeding to revive a judgment lien is not relevant to an execution upon personal property.

##### **Rule 3104. [Indexing] Writ of Execution. Entry. Lien.**

(a)(1) When **issuing the writ**, the prothonotary **[issues the writ he shall, upon praecipe of the plaintiff, index]** shall enter it against the defendant in the judgment index. **The writ, when entered, shall**

(i) **continue the lien upon real property which is then subject to the lien of the judgment, and**

(ii) **create a lien on real property acquired by the defendant subsequent to the entry of the judgment, located in the county, title to which at the time of entry is recorded in the name of the defendant.**

**Official Note:** As to the effect of **[indexing see]** **entry of the writ, Rule 3104 continues the practice under the Judgment Lien Law of 1947, 12 P. S. § 883 (repealed). See also Section 4303 of the Judicial Code, 42 Pa.C.S. § 4303.**

**[The provisions of the Allegheny County Court Act of May 5, 1911, P. L. 198, as amended providing that county court judgments shall not constitute liens on real property and providing for transfer to the common pleas remain unsuspended by these rules.]**

The praecipe for the writ of execution contains a direction to the prothonotary to enter the writ in the judgment index. See Rule 3251.

(2) **A lien created or continued solely by the entry of a writ of execution in the judgment index shall continue for a period of five years from the date the writ was entered.**

(b) **[When a writ is received by the sheriff of another county, it shall be his duty to]** Upon receiving a writ from another county, the sheriff shall deliver it to the prothonotary of his or her county who shall thereupon **[index]** enter it in the judgment index and return it to the sheriff for execution. Such **[indexing]** entry shall have the same effect as the **[indexing]** entry of a judgment against the defendant. **[If the plaintiff so directs, the sheriff may levy or attach under the writ before he delivers it to the prothonotary for indexing.]**

(c) When the writ directs attachment of real property of the defendant in the name of a garnishee, the prothonotary of the county in which the writ is to be executed, upon praecipe of the plaintiff so directing and describing the real property in that county, shall **[index]** enter the writ against the garnishee in the judgment index as a lis pendens. **[Indexing]** Entry against the garnishee shall constitute a lis pendens against the described property only in the county where the writ is **[indexed]** entered and not against any other property of the garnishee.

#### **Subchapter E. ENFORCEMENT OF JUDGEMENTS IN SPECIAL ACTIONS**

##### **FORMS**

##### **Rule 3251. Praecipe for Writ of Execution. Money Judgments.**

Except as provided by Rule 2963 governing execution upon a judgment entered by confession, the praecipe for a writ of execution shall be substantially in the following form:

[Caption]

##### **PRAECIPE FOR WRIT OF EXECUTION**

To the Prothonotary:

Issue writ of execution in the above matter,

\* \* \* \* \*

(4) and **[index]** enter this writ in the judgment index

(a) against \_\_\_\_\_, defendant, and  
(Name of Defendant)



(b) against \_\_\_\_\_, as garnishee, as  
(Name of Garnishee)

\* \* \* \* \*

### Official Note:

\* \* \* \* \*

Paragraph (4)(a) should be completed only if [ **indexing** ] entry of the execution in the county of issuance is desired as authorized by Rule 3104(a)(1). When the writ issues to another county [ **indexing** ] entry is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4)(b) should be completed only if real property in the name of a garnishee is attached and [ **indexing** ] entry as a lis pendens is desired. See Rule 3104(c).

\* \* \* \* \*

### Explanatory Comment

#### I. Introduction

#### II. Terminology

#### III. Judgments

#### IV. Revival of Judgment Liens

#### V. Enforcement of Judgments for the Payment of Money

#### VI. Disposition and Derivation Table

#### VII. Endnotes

#### I. Introduction

The Supreme Court of Pennsylvania promulgated Rules 3025 through 3049 in 1964 to provide the procedure in proceedings "to revive and continue the lien of a judgment." The note to Rule 3025 advised the bench and bar: "For the substantive law governing the revival of judgment against defendants and terre tenants see the Judgment Lien Law of 1947, 12 P. S. 877 et seq."

The Judgment Lien Law was repealed by the Judiciary Act Repealer Act (JARA) in 1978 but no successor provisions were enacted as part of the Judicial Code or otherwise. A consequence of the repeal was that the 1947 Act disappeared from Purdon's Pennsylvania Statutes along with the rest of Title 12 relating to Judicial Procedures and Remedies. Unless the superseded volumes of former Title 12 were retained, the Judgment Lien Law became unavailable to the legal community. Yet, as no general rules had been promulgated to date to replace the repealed Act, the Judgment Lien Law continued as part of the common law of the Commonwealth under the fail-safe provision of JARA, 42 P. S. § 20003(b).

It is proposed that the rules of civil procedure be amended to fill the void. The General Assembly in Section 1722(b)(1) of the Judicial Code, 42 Pa.C.S. § 1722(b)(1), has authorized the governing authority to prescribe and modify general rules governing:

(1) The effect of judgments and other orders of, and the right to and effect of attachments and other process issuing out of, a tribunal, and the manner of the enforcement of any thereof, including the time during which and the property with respect to which they shall be a lien, the relative priority of liens and other claims, stays of execution which may or shall be granted, satisfaction of judgments and dissolution of attachments, and all other matters relating to

judgments and other orders and attachments and other process which have been regulated heretofore by statute.

The proposed amendments would not effect a radical change in the law of judgment liens and revival of judgment liens. Rather, the purpose is to make the law accessible to the bench and bar, to integrate the substantive and procedural law of judgment liens and revival, and to state the law in clear terms.

#### II. Terminology

The rules use the terms "plaintiff" and "defendant." In the context of a judgment, the plaintiff is the judgment creditor or the party in whose favor the judgment is entered and the defendant is the judgment debtor or the party against whom the judgment is entered. It may be that a judgment has been entered in favor of the defendant on a counterclaim in which case the defendant will be the "plaintiff" under these rules and the plaintiff will be the "defendant." A note has been added to Rule 3026 to this effect.

Prior statutes referred to the "indexing" of verdicts and judgments and the rules of civil procedure promulgated when those statutes were in effect used that term. The present law, Section 4303 of the Judicial Code, refers to a judgment or order being a lien "when it is entered of record." Consistent with the Judicial Code, the proposed amendments use the terms "entry," "enter" and "entered" as may be appropriate.

#### III. Judgments

A new chapter of four rules has been added which encompasses the entry of judgment in the judgment index and the effect of a judgment as a lien upon real property. The four rules are Rule 3020 (Definition.), Rule 3021 (Verdict. Judgment. Entry in Judgment Index.), Rule 3022 (Verdict or Order. Entry. Lien.) and Rule 3023 (Judgment. Lien. Duration.).

#### Rule 3020. Definition.

Rule 3101(a) governing the enforcement of money judgments defines the term "judgment." It has been amended by deleting the language "or a public authority." This language became unnecessary in light of the recent amendment of the term "political subdivision" in Definition Rule 76 to include "a municipal or other local authority." Rule 3101(a) now defines judgment as follows:

"judgment" means a judgment, order, or decree requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth or a political subdivision;

New Rule 3020 defines the term "judgment" using identical language and applies to the rules of the new chapter.

#### Rule 3021. Verdict. Judgment. Entry in Judgment Index.

Section 2737 of the Judicial Code provides that the "office of the prothonotary shall have the power and duty to . . . [e]nter all civil judgments, including judgments by confession." Section 4303(a) of the Judicial Code provides that any judgment or order for the payment of money shall be a lien upon real property when it is "entered of record" in the office of the clerk of the court of common pleas of the county where the real property is situated.<sup>1</sup>

These sections give scant direction to the prothonotary with respect to the judgment index when contrasted with

prior statutes such as the Act of 1827, 16 P. S. § 9871.<sup>2</sup> The new rule provides the necessary direction by setting forth, first, the duty of the prothonotary to enter verdicts, orders and judgments in the judgment index and, second, the content of the entry in the index.

#### **Rule 3022. Verdict or Order. Entry. Lien.**

New Rule 3022 is derived from the repealed Act of March 23, 1877, P. L. 34, § 1, 12 P. S. § 861.<sup>3</sup> The statute provided in part that "the verdict shall be a lien upon the real estate situate within the proper county of the party or parties against whom said verdict shall be rendered . . . ." In its formulation of the nature of the lien, the rule states:

A verdict or order for a specific sum of money shall be a lien on real property located within the county, title to which at the time of the rendition of the verdict or order is recorded in the name of the person against whom the verdict or order was rendered . . . .

This language used in Rule 3022 is the basic formula used to describe the lien in each rule prescribing a lien. Rules 1307, 3023, 3027 and 3104 all contain in almost identical form the following italicized language: "*a lien on real property located within the county, title to which at the time of the rendition of the verdict or order is recorded in the name of the person against whom the verdict or order was entered.*"

As the lien dates from the rendition of the verdict or order rather than its entry in the judgment index, the subparagraph (1) provides "that no innocent purchaser without notice shall be prejudiced." This provision continues the prior practice.

Subparagraph (2) provides a five-year limit upon the life of the lien. The lien terminates earlier if, prior to the expiration of the five-year period, the verdict or order is reduced to judgment or the court awards a new trial or enters a judgment notwithstanding the verdict.

The rule refers to an "order" as well as a "verdict." The term "order" is broadly defined by the Section 102 of the Judicial Code to include a "judgment, decision, decree, sentence and adjudication." However, a judgment is specifically governed by Rule 3023.

#### **Rule 3023. Judgment. Lien.**

New Rule 3023 sets forth the lien of a judgment and its duration and replaces two prior statutes, Section 2 of the Judgment Lien Law of 1947, 12 P. S. § 878<sup>4</sup>, and Section 2 of the Act of 1877, 12 P. S. § 862<sup>5</sup>. Subdivision (a) states the general rule using the basic language of Rule 3022 governing the lien of a verdict and order but appropriately particularized to a judgment:

(a) Except as provided by subdivision (b), a judgment when entered in the judgment index shall be a lien on real property located in the county, title to which at the time of entry is recorded in the name of the person against whom the judgment is entered.

Subdivision (b) states the rules for two particular judgments: the lien of a judgment entered upon a verdict or order and the lien of a judgment entered upon an award in compulsory arbitration. Subdivision (b), however, is couched in different terms than the statute it replaces. One section of the statute<sup>6</sup> provided that "every judgment . . . shall be a lien" and another section<sup>7</sup> provided that "the lien of the verdict in such case shall date from the time of its rendition . . . ."

Subdivision (b) achieves the same end as the statute but in a different manner. The subdivision begins with entry in the judgment index:

(b) A judgment upon a verdict, an order or an award in compulsory arbitration, when entered in the judgment index, shall . . . .

Then, rather than state that the lien shall date from rendition of the verdict, the rule provides for the entry of the judgment in the judgment index to "continue" the lien of the verdict:

(1) continue the lien upon real property located in the county which is subject to the lien of the verdict, order or award upon which the judgment is entered,

The continuing of a lien parallels the concept of new Rule 3027(b)(1) by which the lien of a writ or agreement of revival when entered in the judgment index shall "continue the lien upon all real property located in the county which is subject to the lien of the judgment sought to be revived." Since the rule continues the lien of the verdict, the date of the commencement of the lien is determined by reference to Rule 3022 which provides in paragraph (1) that the lien shall "date from the time of the rendition of the verdict or order, provided that no innocent purchaser without notice shall be prejudiced." Similarly, the date of commencement of the lien of an award in compulsory arbitration is determined by referring to Rule 1307(b). A note to subdivision (b)(1) sets forth the cross-references.

Subdivision (b)(2) pertains to after-acquired property and generally follows the statute. Consistent with revised Rule 3025 which refers to a proceeding to "revive which continues or creates the lien of a judgment," subparagraph (2) provides that the entry of the judgment shall "create" a lien:

(2) create a lien upon all other real property located within the county, title to which at the time of entry in the judgment index is recorded in the name of the person against whom the judgment is entered.

Subdivision (c) provides for a five-year duration of the lien and applies to the liens of all judgments under the rule. The life of the lien is unchanged from prior practice.

#### *Other Rules Affecting Liens*

Several additional rules of civil procedure govern liens on real property and are affected by the proposed amendments.

#### **Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award.**

Rule 1307 is a rule governing compulsory arbitration which formerly provided in subdivision (b) that the "award when entered in the judgment index shall be a lien upon the party's real estate, which shall continue during the pendency of an appeal or until extinguished according to law." The language has been revised to conform to that of other rules of civil procedure imposing a lien on real property:

(b) The award for the payment of money when entered in the judgment index shall be a lien on real property located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue during the pendency of an appeal or until extinguished according to law.

#### **Rule 3027. Writ of Revival. Entry. Lien. and**

#### **Rule 3031.1. Judgment of Revival. Lien.**

Rule 3027 governing the entry and lien of a writ of revival was amended in 1994 to incorporate the substance of Section 4 of the Judgment Lien Law, 12 P. S. § 880<sup>8</sup>.

The present amendment to that rule and new Rule 3031.1 governing the entry and lien of a judgment of revival are described below under the comment discussing the revisions to the rules governing revival of judgment.

#### **Rule 3104. Writ of Execution. Entry. Lien.**

The amendment to Rule 3104(a) is intended to incorporate without substantial change Section 7 of the Judgment Lien Law, 12 P.S. § 883<sup>9</sup>, relating to the property subject to execution, the lien of execution and the duration of the lien. The rule is discussed at the end of the comment in connection with the rules governing the enforcement of judgments for the payment of money.

#### **IV. Revival of Judgment Liens**

The rules governing "revival of judgments" are revised generally to be gender neutral and to delete obsolete references. In addition, the phrase "revival of judgments" is revised to read "revival of judgment lien."

The source of the revision providing for "revival of judgment lien" is the concurring opinion by Mr. Justice Zappala in *Shearer v. Naftzinger*, 747 A.2d 859, 861 (Pa. 2000), which described the effect of a judgment and the necessity for revival of a judgment lien:

... A money judgment acts as a lien against real property, but only for five years. The lien must be continued (or revived) to maintain (or obtain a new) place of priority. However, properly speaking, *it is the lien that is revived, not the judgment*. There is no outer time limit to executing against real property to satisfy a judgment, but the proceeds of such a sale must be distributed according to the priority of liens....

#### **Rule 3025. Commencement of Proceedings. Venue.**

Although it was not mentioned in the title to the rule, Rule 3025 stated the scope of the chapter, i.e., "[a] proceeding to revive and continue the lien of a judgment." This language is revised as follows:

A proceeding to revive [and] *which continues or creates* the lien of a judgment...

The words "which continues or creates the lien of a judgment" reveal the nature of the proceeding. The proceeding to revive will, first, continue the lien as to real property which is subject to an existing lien and, second, create a lien with respect to property which is not subject to an existing lien because either the lien has been lost or the lien had not attached to the property (after-acquired property). The concept is similar to that of Rule 3023(b) governing the lien of a judgment which provides that the judgment when entered in the judgment index shall "continue" the lien of the verdict or order as to property subject to the lien and "create" a lien as to all other property recorded in the name of the person against whom the judgment is entered.

##### **(1) Continuing a lien**

A proceeding to revive "continues \*\*\* a lien of a judgment." The continuing of a lien presupposes an existing lien. Rule 3023 governing the lien of a judgment and Rule 3031.1 governing the lien of a judgment of revival both provide that the "lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is sooner discharged or revived." If a proceeding to revive a judgment lien is commenced within the five-year period prescribed by Rules 3023 and 3031.1, there exists a lien to be continued. This is the import of Rule 3027(b)(1) which provides

that a writ of revival or an agreement to revive when entered in the judgment index shall

(1) continue the lien upon real property located in the county which is subject to the lien of the judgment which is sought to be revived...

##### **(2) Creating a lien**

A proceeding to revive also "creates a lien of a judgment." The creation of a lien presupposes that there is no existing lien. There may be no existing lien on real property because either the lien has been lost or because the lien did not attach.

If a proceeding to revive a judgment is not brought within the five-year period after entry of the judgment in the judgment index as required by Rules 3023 and 3031.1, the lien is lost as to property which had been subject to the lien and there exists no lien to continue. However, the proceeding will create a new lien on property as to which a lien has been lost. This is the import of Rule 3027(b)(2) which provides that a writ of revival or an agreement to revive when entered in the judgment index shall

(2) create a lien upon all other real property located in the county, title to which, at the time of entry is recorded in the name of the defendant or a tenant.

Rule 3023(a) provides in part that "a judgment when entered in the judgment index shall create a lien on real property located in the county, title to which at the time of entry is recorded in the name of the person against whom the judgment is entered." Thus, property which is acquired by the defendant after entry of the judgment in the judgment index is not subject to the lien of the judgment. In this case also, the proceeding to revive the judgment will create a lien as provided by Rule 3027(b)(2).

Though a proceeding to revive a judgment may be commenced after the expiration of the five-year period, the importance of commencing a proceeding within the five-year period to continue a lien cannot be ignored. If a lien is lost, its priority is lost and the new lien will date from the entry of the writ of revival or agreement to revive in the judgment index. As stated by Mr. Justice Zappala in *Shearer v. Naftzinger*, 747 A.2d at 861, "The lien must be continued (or revived) to maintain (or obtain a new) place of priority."

Rule 3025 with its "definition" of a proceeding to revive encapsulates the law and procedure of the chapter. Rules 3027 and 3031.1 provide the substantive effect of the writ of revival and judgment of revival while the remaining rules of the chapter provide the procedure to effectuate the substantive law.

#### **Rule 3025.1. Consolidation of Judgments.**

Subdivision (a) of this new rule governing consolidation of judgments provides for consolidation by writ of revival and is derived from the Judgment Lien Law of 1947, 12 P.S. § 875<sup>10</sup>. Subdivision (b) adds the option of consolidating judgments by agreement.

There needs to be a trail leading to and from the consolidated judgment. Subdivisions (c) and (d) provide for cross-references to enable the searcher to trace the history of both the individual judgments and the consolidated judgment.

#### **Rule 3026. Parties. Generally.**

There is no change in substance to Rule 3026. The title is revised by adding the word "Generally." There are three

new rules to follow which concern specific aspects, i.e., joint defendants and terre-tenants.

The two subdivisions are revised to be parallel in style. A note is added to subdivision (a) describing the use in the rules of the words "plaintiff" and "defendant" to mean judgment creditor and judgment debtor, respectively. The note to subdivision (b) is made current by deleting obsolete material and adding cross-references to the new rules governing terre-tenants.

#### **Rule 3026.1. Parties. Joint Defendants.**

New Rule 3026.1 relating to joint defendants incorporates the substance of Section 3 of the Judgment Lien Law, 12 P. S. § 879(b)<sup>11</sup>.

#### **Rule 3026.2. Parties. Terre-Tenants. and**

#### **Rule 3026.3. Revival of Lien of Judgment as to Property of Terre-Tenant.**

New Rule 3026.2 provides a definition of the term "terre-tenant." Subdivision (a) is derived from *Eberhart's Appeal*, 39 Pa. 509, 512 (1861): "A terre-tenant is one in whom the title to the encumbered estate has vested."

Subdivisions (b) and (c) of Rule 3026.2 limiting the term "terre-tenant" incorporate a corresponding provision of the Judgment Lien Law, 12 P. S. § 879(d)<sup>12</sup>.

A portion of Section 3 of the 1947 Act, 12 P. S. § 879(a)<sup>13</sup>, set forth the manner of revival against the property of a terre-tenant. New Rule 3026.3 incorporates the substance of that provision, dividing it into two subdivisions and a note.

#### **Rule 3027. Writ of Revival. Entry. Lien.**

Rule 3027 is the heart of the rules governing revival of judgment liens, setting forth the substantive law pertaining both to the writ of revival and, by incorporation by reference in Rule 3031.1, to the judgment of revival.

Subdivision (a) provides for the prothonotary to enter the writ of revival or agreement to revive in the judgment index "against each defendant and terre-tenant named therein." The provision might be compared to the requirement of new Rule 3021 requiring the prothonotary to enter verdicts, orders and judgments into the judgment index.

Subdivision (b) provides for the effect of the writ or agreement when entered in the judgment index as continuing or creating a lien upon real property. The effect of this subdivision is described under the comment to Rule 3025.

Subdivision (c) providing for the lien to continue for five years has been revised only to accommodate the reference to an agreement to revive and to substitute the word "entered" in place of "indexed."

#### **Rule 3028. Service of the Writ.**

The former rule that a "return of no service shall be equivalent to personal service" was derived from at least two repealed statutory sources: Section 6 of the Judgment Lien Law, 12 P. S. § 882, and 12 P. S. § 295. Under the former<sup>14</sup>, the prothonotary was authorized to enter judgment of revival upon praecipe following a return of nihil habet. The latter provided that "a return of nihil habet shall be equivalent to personal service, in writs of scire facias to revive judgments entered in personal actions."

The new rule places a greater emphasis upon serving the writ of revival and provides procedures beyond those normally available for service of original process. Subdivision (a) provides that the writ may be served by the

sheriff or a competent adult. The manner of service may be by handing a copy as provided by Rule 402 through 402.2 or mailing a copy as provided by Rule 403. If service cannot be made by handing or mailing a copy, then subdivision (b) provides two alternatives. The first alternative is service pursuant to an order of court under Rule 430(a). The second is service by publication without an order of court but upon filing an affidavit "showing reasonable efforts to make service pursuant to subdivision (a) and the reasons why such service could not be made." In effect, the party seeking to make service by publication under subdivision (b)(2) is making a record by affidavit which will support the right granted by the rule.

#### **Rule 3029. Reissuance and Substitution of Writ.**

There is no change in practice under the rule as only the note is revised. The note presently contains an obsolete reference to former Rule 1010 as governing reissuance and substitution of a writ of summons. A reference to the current rule, Rule 401(b), is substituted.

#### **Rule 3030. Pleadings, Further Proceedings. Continuance of Lien.**

Again, there is no change in practice under the revised rule. The only revision is to substitute in subdivision (c) the new language relating to the "entry" of a judgment in the judgment index in place of the "indexing" of a judgment.

#### **Rule 3031. Judgment upon default or admission. Assessment of damages.**

The addition of a note is the only change proposed to this rule governing judgment upon default or admission. The note which refers to the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520, replaces Section 5 of the Judgment Lien Law of 1947, 12 P. S. § 881, relating to revival of a lien against a person in the armed forces.

#### **Rule 3031.1. Judgment of Revival. Lien.**

Rule 3031.1 governs the judgment of revival and its lien. Subdivision (a) of Rule 3031.1 replaces the first sentence of section 3(c) of the Judgment Lien Law of 1947, 12 P. S. § 879(c)<sup>15</sup> and cross-refers to Rule 3027 governing the lien of the writ of revival for the extent and duration of the lien.

The second sentence of subsection (c) of the statute relating to extension of the lien was incorporated in 1994 into Rule 3030 as subdivision (c).<sup>16</sup>

Subdivision (b) of the new rule has no statutory antecedent and is a clarification of the extent of the judgment of revival against a terre-tenant.

#### **Rules 3032, 3033 and 3034. Forms.**

The revisions to the rules governing forms are directed primarily to matters of style and updating obsolete references. The only revision of substance is the addition to the form of writ of revival of a notice based upon the Notice to Defend prescribed by Rule 1018.1.

#### **Rules 3048, 3049 and 3049.1. Acts of Assembly.**

Rule 3048 governing Acts of Assembly Not Suspended has been revised to take cognizance of statutes which have been repealed as well as statutes enacted subsequent to the original promulgation of the rule. No change in practice is intended as the result of the revision of this rule.

Rule 3049 governing Acts of Assembly Suspended is rescinded as all of the statutes formerly suspended by the rule have been repealed. However, the practice and procedure under certain of these statutes have remained

in force as the result of the "fail-safe" provision of Section 3(b) of JARA, 42 Pa.C.S. § 20003(b). New Rule 3049.1 sets forth those repealed statutes, the practice and procedure under which, as the result of the promulgation of these rules, will no longer continue as part of the common law of the Commonwealth.

#### V. Enforcement of Judgments for the Payment of Money.

##### Rule 3101. Definitions. Garnishee

The amendment to the definition of judgment in Rule 3101 has already been mentioned in the comment to Rule 3020. The amendment deletes the phrase "or public authority." No change in practice is effected by this amendment as the term "political subdivision" is defined by Rule 76 to include a municipal or other local authority.

##### Rule 3101.1. Property Subject to Execution. Execution Within and after Five Years.

New Rule 3101.1 replaces two Acts of Assembly relating to the property subject to the execution, the lien of execution and execution after five years.

Subdivision (a) incorporates the substance of Section 7 of the Judgment Lien Law, 12 P.S. § 883 (repealed). Subdivision (a)(1) provides for execution against real property bound by the lien of a judgment, whether original or revived, within five years of the entry of the original judgment, judgment of revival or agreement to revive. The revival of the judgment lien continues an existing lien upon real property (including real property acquired by a *terre-tenant*) and creates a lien upon after-acquired property ("real property, title to which at the time of the entry of the writ of execution in the judgment index is recorded in the name of the person against whom the judgment is entered)."

Subdivision (a)(2) is concerned with an execution against real property where five years have elapsed since the entry of the original judgment, the last preceding judgment of revival or the last preceding agreement to revive. In that case, "no execution against real property may issue until a writ of revival shall have issued and been reduced to judgment or an agreement to revive entered." The execution is issued on the judgment of revival or agreement entered and not on the original judgment.

Subdivision (b) incorporates the Act of 1887, 12 P.S. § 2094 (repealed).<sup>17</sup> This subdivision provides for execution upon personal property "within the time allowed by law." It is immaterial whether the judgment is a lien upon real property or whether the lien of the judgment has been revived within five years since the entry of the original judgment or any judgment of revival or agreement to revive. In distinguishing between execution upon real and personal property, Mr. Justice Zappala in *Shearer v. Naftzinger* stated, 747 A.2d at 862:

Different rules apply with respect to personal property. A judgment continues to exist, and can be executed on by having the sheriff sell personal property, whether or not a writ of revival is ever filed. . . .

The note to the rule cites Section 5529(a) of the Judicial Code, 42 Pa.C.S. § 5529(a), prescribing a twenty-year limitation upon execution against personal property. The note also refers to the *Shearer* case for additional guidance.

New Rule 3101.1 highlights another distinction between executions upon real and personal property. Execution upon real property requires that there be a judgment

lien upon the real property, that is, that execution issue within five years of the entry of the original judgment or last revival of the judgment lien in the judgment index. In contrast, execution upon personal property is unrelated to a lien. There must simply be a judgment and the execution must issue within the time required by law ("within 20 years after the entry of the judgment upon which the execution is to be issued" as provided by Section 5529 of the Judicial Code<sup>18</sup>). Again, as stated by Mr. Justice Zappala in the *Shearer* case, 747 A.2d at 861—862:

. . . There is no outer time limit to executing against real property to satisfy a judgment, but the proceeds of such a sale must be distributed according to the priority of liens. . . .

Different rules apply with respect to personal property. A judgment continues to exist, and can be executed on by having the sheriff sell personal property, whether or not a writ of revival is ever filed. . . . Section 5529 simply places an outer limit of 20 years on executing against personal property to satisfy a judgment. . . .

##### Rule 3104. Writ of Execution. Entry. Lien.

Rule 3104, also a part of the chapter governing the enforcement of judgments for the payment of money, was previously entitled "Indexing" and provided for the indexing of a writ of execution. The amendment to Rule 3104(a) is intended to incorporate without substantial change a portion of Section 7 of the Judgment Lien Law, 12 P.S. § 883<sup>19</sup>, relating to the property subject to execution, the lien of execution and the duration of the lien. The title of the rule has been revised to indicate the subject matter of the rule and the language of subdivision (a)(1) tracks the language of the other rules creating liens.

Rule 3104(a) provides for the writ of execution to create not only a lien upon property owned at the time of the entry of the writ but also to continue the lien upon property which is already subject to the lien of the judgment.

An additional revision to subdivision (a) is the deletion of the phrase "upon praecipe of the plaintiff." The writ of execution is issued upon a praecipe prescribed by Rule 3251 which contains a direction to the prothonotary to "enter this writ in the judgment index." It was not the intention of the rule that the plaintiff be required to file a second praecipe for the prothonotary to enter the writ in the judgment index. The deletion of the phrase quoted above and an addition to the note make this point clear.

Subdivision (b) of the rule governs the delivery of the writ of execution to the sheriff of another county. The last sentence provided that the plaintiff could direct the sheriff to levy or attach under the writ before delivering it to the prothonotary for indexing. This sentence has been deleted. There should be no execution proceedings until the writ of execution is entered of record within the county.

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
Chair

#### VI. Derivation Table

Rule	Purdon's
<i>Compulsory Arbitration</i>	—
1307	—

<b>Rule</b>	<b>Purdon's</b>
<b>Judgment Liens</b>	
3020	—
3021	16 P. S. § 9871
	17 P. S. § 1922
3022	12 P. S. § 861
3023	12 P. S. §§ 862, 878
<b>Revival of Judgment Liens</b>	
3025	—
3025.1	12 P. S. § 875
3026	—
3026.1	12 P. S. § 879(b)
3026.2	12 P. S. § 879(d)
3026.3	12 P. S. § 879(a)
3027	12 P. S. § 880
3028	12 P. S. §§ 295, 313, 882
3029	—
3030(c)	12 P. S. § 879(c)
3031	12 P. S. § 881
3031.1(a)	12 P. S. § 879(c)
3032	—
3033	—
3034	—
3048	—
3049	—
<b>Execution upon Money Judgments</b>	
3101.1	12 P. S. §§ 883, 2094
3104	12 P. S. § 883

*Disposition Table*

<b>Purdon's</b> <b>12 P. S. §</b>	<b>Rule</b>
295	3028
313	3028
861	3020
862	3021
878	3021
879(a)	3026.3
879(b)	3026.1
879(c)	3030(c), 3031.1(a)
879(d)	3026.2
880	3027
881	3031
882	3028
883	3101.1(a), (b)
	3104
2094	3101.1(b)
<b>16 P. S. §</b>	
9871	3021
<b>17 P. S. §</b>	
1922	3021

VII. *ENDNOTES***1§ 4303. Effect of judgments and orders as liens**

(a) Real property.—Any judgment or other order of a court of common pleas for the payment of money shall be a lien upon real property on the conditions, to the extent and with the priority provided by statute or prescribed by General Rule adopted pursuant to section 1722(b) (relating to enforcement and effect of orders and process) when it is entered of record in the office of the clerk of the court of common pleas of the county where the real property is

situated, or in the office of the clerk of the branch of the court of common pleas embracing such county.

\* \* \* \* \*

**2§ 9871. Judgment docket; contents; fee for entries**

It shall be the duty of each of the prothonotaries of the several courts of common pleas district courts and circuit courts in this commonwealth, to make, prepare and keep a docket, to be called the judgment docket, in which said docket no case shall be entered until after there shall have been a judgment or award of arbitrators in such case, and into which shall be copied the entry of every judgment and every award of arbitrators, immediately after the same shall have been entered; which entries, so to be made in the said judgment docket, shall be so made that one shall follow the other in the order of time in which the said judgments and awards shall have been rendered, entered or filed, as aforesaid; and the entries in each case in said judgment docket shall particularly state and set forth the names of the parties, the term and number of the case, and the date, and in the case of the judgment shall be for a sum certain, the amount of the judgment or award; and when any judgment shall be revived by scire facias or otherwise, or when any execution shall issue in any case, a note thereof shall be made in the proper judgment docket, at the place where the other entries in such case may have been made . . .

**3§ 861. Lien of verdict**

Whenever a verdict is rendered by a jury in any of the courts of common pleas of this commonwealth for any specific sum of money, in such case the verdict shall be a lien upon the real estate situate within the proper county of the party or parties against whom said verdict shall be rendered, which lien shall remain unless the court grant a new trial or arrest the judgment; and it shall be the duty of the prothonotary of the court of common pleas to enter such verdict on the lien docket where judgments are entered, marking the same "verdict," and specifying the amount of said verdict and the date of its rendition.

**4§ 878. Property subject to lien; duration of lien**

Every judgment now or hereafter entered of record and indexed in any court of record in this Commonwealth shall be a lien upon all real property within the county where the judgment is entered, which at the time of the entry and indexing of the judgment is owned by the person against whom the judgment is entered, and shall, unless sooner discharged as provided by law, continue as a lien as to the defendant and all other persons for a period of five years from the date on which the judgment was entered, and no longer, unless the same is revived as hereinafter provided.

**5§ 862. Lien of judgment to refer to date of verdict**

In case the court shall overrule any motion for a new trial or in arrest of judgment, now pending, the lien of the verdict in such case shall date from the time of its rendition: Provided however, That no innocent purchaser without notice shall be prejudiced thereby.

<sup>6</sup>See endnote 4, supra.

<sup>7</sup>See endnote 5, supra.

**8§ 880. Scire facias as lien**

A writ of scire facias issued to revive a judgment at any time either before or after the expiration of five years after the indexing thereof, or before or after five years after the indexing of the last preceding judgment of

revival thereof, shall, when indexed in the judgment index, be a lien upon all real property within the county which at the time of the indexing thereof is owned by the defendant against whom the original judgment is entered, whether or not such real property was owned by him at the time the judgment was indexed or previously revived. All liens against after-acquired property, or against property as to which the lien of the original judgment has been lost, shall be effective as of the date when the writ of scire facias was indexed, and shall, unless sooner discharged as provided by law, continue as a lien for a period of five years from the date of the indexing of the judgment of revival thereon, and no longer, unless the same is revised as provided in this act.

**§ 883. Property subject to execution; lien of execution; execution after five years**

(a) The holder of any judgment may, within five years after the entry thereof or after the entry of any judgment of revival thereon, have execution in the manner provided by law on such original judgment or on such judgment of revival, as the case may be, against any real property bound by the lien of the judgment, whether or not any interest therein has been acquired by a terre-tenant and against any real property acquired by the defendant subsequent to the entry of the original judgment or of the judgment of revival, as the case may be, and owned by him at the time of the indexing of the execution. In the case of after-acquired property, the execution, when docketed and indexed, shall become a lien upon such real property. In the case of real property which is then subject to the lien of the judgment, the execution, when docketed and indexed, shall continue such lien beyond the time it would otherwise have expired. Any lien obtained or continued solely as the result of the docketing and indexing of an execution shall continue only for a period of five years from the indexing of the execution.

(b) In all cases where more than five years have expired since the entry of the judgment, or the entry of the last preceding judgment of revival, as the case may be, no execution upon any real property may issue until a writ of scire facias shall have issued and been reduced to judgment, and the execution shall issue on the judgment so entered and not on the original judgment.

**§ 875. Consolidation of judgments by scire facias**

Whenever hereafter any person or persons shall be the owner or owners of two or more judgments, all recovered against the same person or persons, which are overdue, or may become due at the same time, it shall be lawful for the owner or owners of said judgments, at their option, to combine and consolidate the same by the issue of a single writ or [sic] scire facias; and the new judgment, when entered, shall include the amounts due on all the old judgments.

**§ 879. Manner of reviving lien; duration of revived lien**

\* \* \* \* \*

(b) In the case of two or more joint defendants, no revival shall be effective against any of such defendants, or their real property, whether or not owned jointly with the other joint defendants, or any of them, unless all such joint defendants shall join in the agreement, or shall be made parties to the scire facias proceedings: Provided, That if any number less than all of the joint defendants shall agree to be bound the revival shall be effective against all of the defendants so agreeing.

\* \* \* \* \*

**§ 879. Manner of reviving lien; duration of revived lien**

\* \* \* \* \*

(d) As used in this act, the term "terre-tenant" shall not include any person claiming under or whose claim of title passes through a deed which is not recorded in the county where the real property is located, or any person claiming under or through a deceased defendant or terre-tenant whose will has not been filed with, or letters of administration on whose estate have not been issued by, the register of wills or orphans' court of such county: Provided, That any person claiming under or through a deceased defendant or terre-tenant who was not a resident of the county at the time of his death, may qualify as a terre-tenant under the provisions of this act by recording in the office of the recorder of deeds of the county, where the real property is located, a certified copy of the will of such decedent if he died testate, or if he died intestate, a declaration of interest accompanied by a certificate of the register of wills or probate court or officer of the county, state or country in which the decedent resided at the time of his death that letters of administration have been issued in the estate of such decedent.

**§ 879. Manner of reviving lien; duration of revived lien**

(a) \*\*\*: Provided, further, That if revival shall have been had against the defendant at a time when a terre-tenant's deed is of record, but without the joinder of the terre-tenant, then, within a period of five years after the recording of the terre-tenant's deed or other evidence of title, the lien may be revived as to the terre-tenant by (1) agreement between the plaintiff and the terre-tenant alone or between the plaintiff, defendant and terre-tenant, or (2) by writ of scire facias issued against the terre-tenant without joining the defendant, or against the defendant and terre-tenant, jointly, entered in, or issued out of, and indexed in the court in which the judgment was entered within such period of five years after the recording of the terre-tenant's deed or other evidence of title, and in such event the lien shall continue as to the terre-tenant for the same period only as it continues against the defendant, when it must be revived against both parties as hereinbefore provided. This proviso shall not be so construed as to revive any lien as to any part of the property acquired by a terre-tenant by the mere recording of a terre-tenant's deed or other evidence of title without specific revival by agreement or scire facias as above provided.

\* \* \* \* \*

**§ 882. Service of scire facias; judgment on return of nihil habet**

\*\*\* On return being made by the sheriff showing service on all such persons found in the county, and a return of nihil habet as to all those not so found, the prothonotary shall, at any time after the end of the period during which the writ runs, upon praecipe, enter and index judgment of revival of any such judgment during another period of five years against the real estate bound by the judgment, unless sufficient cause is shown to prevent the same.

**§ 879. Manner of reviving lien; duration of revived lien**

\* \* \* \* \*

(c) The revived lien of any judgment shall, unless sooner discharged as provided by law, continue for a

period of five years from the date on which the judgment of revival, whether entered by agreement or on writ of scire facias, was indexed, provided such judgment of revival, if entered on a writ of scire facias, was indexed within a period of five years after the issuance of such writ, otherwise such lien shall continue only for a period of five years from the date on which the writ of scire facias to revive was indexed, and in either case no longer unless the same is again revived as provided in this act.

\*\*\*

\* \* \* \* \*

**<sup>16</sup>§ 879. Manner of reviving lien; duration of revived lien**

\* \* \* \* \*

(c) \*\*\* In any case where, by reason of pending litigation, judgment cannot be entered on the writ of scire facias within a period of five years after the indexing of such writ, the court, before which such litigation is pending, may enter an order continuing the lien of such writ for such further period, not exceeding five years, as the court may direct, such order shall become effective when indexed.

\* \* \* \* \*

**<sup>17</sup>§ 2094. Execution, after five years, upon personal property**

From and after the passage of this act execution may issue upon any judgment of record in any of the courts of this Commonwealth, notwithstanding such judgment may have lost its lien upon real estate, without a previous writ of scire facias to revive the same: Provided however, That such execution shall be confined or restricted to the personal property only of the debtor, and that such execution shall not issue after the lapse of twenty years from the maturity of the judgment: And provided further, That, at the same time execution is issued, a scire facias shall be issued to revive the judgment upon which said execution is issued; and in case the defendant or defendants in said writs file an affidavit alleging a just and legal defense against the revival of said judgment, it shall be lawful for the court, or a judge thereof in vacation, to stay the writ of fieri facias, by an order preserving the lien thereof, and to order the scire facias on the head of the list for trial at the next term for the trial of civil cases.

**<sup>18</sup>§ 5529. Twenty year limitation**

(a) Execution against personal property.—An execution against personal property must be issued within 20 years after the entry of the judgment upon which the execution is to be issued.

\* \* \* \* \*

**<sup>19</sup>§ 883. Property subject to execution; lien of execution; execution after five years**

(a) The holder of any judgment may, within five years after the entry thereof or after the entry of any judgment of revival thereon, have execution in the manner provided by law on such original judgment or on such judgment of revival, as the case may be, against any real property bound by the lien of the judgment, whether or not any interest therein has been acquired by a terre-tenant and against any real property acquired by the defendant subsequent to the entry of the original judgment or of the judgment of revival, as the case may be, and owned by him at the time of the indexing of the execution. In the case of after-acquired property, the execution, when docketed and indexed, shall become a lien upon such real

property. In the case of real property which is then subject to the lien of the judgment, the execution, when docketed and indexed, shall continue such lien beyond the time it would otherwise have expired. Any lien obtained or continued solely as the result of the docketing and indexing of an execution shall continue only for a period of five years from the indexing of the execution.

(b) In all cases where more than five years have expired since the entry of the judgment, or the entry of the last preceding judgment of revival, as the case may be, no execution upon any real property may issue until a writ of scire facias shall have issued and been reduced to judgment, and the execution shall issue on the judgment so entered and not on the original judgment.

[Pa.B. Doc. No. 01-899. Filed for public inspection May 25, 2001, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### WARREN COUNTY

**Adoption of Proposed Local Rule L205, Exhibit L205, Proposed/Revised Rule L212, Proposed/Revised Rule L1301, Exhibit L1301; No. 23 of 2001 Misc.**

#### Administrative Order No. 1

*And Now*, this 3rd day of May, 2001, it is hereby *Ordered and Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Court of Common Pleas of the 37th Judicial District hereby adopts Proposed Local Rule L205, Exhibit L205, Proposed/Revised Rule L212, Proposed/Revised Rule L1301, and Exhibit L1301.

The Warren County Prothonotary is ordered and directed to do the following:

1. File seven (7) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Order and pertinent Rules with the Civil Procedural Rules Committee.
4. Keep continuously available for public inspection copies of this Order and Rules in the Prothonotary's Office.

*By the Court*

PAUL H. MILLIN,  
*President Judge*

#### **Proposed Local Rule L205. Civil Case Management.**

1. For all civil cases, excluding domestic relations matters, the Court shall issue a Civil Case Management Order after the close of the pleadings. This Civil Case Management Order shall set dates certain for the completion of discovery, the filing of all pre-trial motions, a pre-trial conference, and jury selection where demanded. The form of the Civil Case Management Order shall be as provided in Exhibit L205.
2. If any party determines that the complexity of the case will require an expanded schedule, that party must



notify the Court Administrator within 10 days of the entry of the Civil Case Management Order to request a scheduling conference. It shall be the responsibility of the party requesting a scheduling conference to notify all counsel and any parties proceeding pro se of the date, time and place of the scheduling conference.

IN THE COURT OF COMMON PLEAS OF THE 37TH  
JUDICIAL DISTRICT OF PENNSYLVANIA WARREN  
COUNTY BRANCH CIVIL

Plaintiff

VS. No. \_\_\_\_\_ of 20 \_\_\_\_

Defendant

CIVIL CASE MANAGEMENT ORDER

AND NOW, the Court Administrator having determined that this case is appropriate for a scheduling order, the Court enters the following order:

1. All discovery shall be completed within 100 days of this order, by \_\_\_\_\_.  
(date)

2. All pretrial motions shall be filed before \_\_\_\_\_.  
(date)

3. The pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_ a.m./p.m. in the \_\_\_\_\_ Court Room of the Warren County Courthouse. Pre-Trial Conference procedure is set forth in Local Rule L212.

4.

\_\_\_ A. Jury Selection is scheduled for \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

\_\_\_ B. A Bench Trial shall be scheduled at the pretrial conference.

If any party determines that the complexity of the case requires an expanded schedule, that party may request a scheduling conference by contacting the Court Administrator within 10 days of the date of this order. It shall be the responsibility of the requesting party to notify all counsel, and any parties proceeding pro se, of the date, time and place of the scheduling conference.

BY THE COURT

\_\_\_\_\_  
Paul H. Millin, P.J.

**Exhibit L205**

**Proposed/Revised Rule L212. Pre-Trial Conference.**

1. Counsel attending the pre-trial conference must have full and complete authority to stipulate on items of evidence, admissions, and settlement. In the absence of such authority, counsel shall have their client immediately available, either in person or by telephone.

2. At the pre-trial conference the parties shall comply with Rule 212 of Rules of Civil Procedure, and in addition thereto shall submit to the Court and other counsel a pre-trial statement containing:

(a) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence, fact or law; and in the event of the latter, supporting citations of counsel's position of the law.

(b) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability

and/or damage witnesses. The listing of a witness shall impose no obligation to call the witness or to procure his attendance at trial.

(c) Medical reports, including hospital records and the reports of any experts whose opinions will be offered in evidence at time of trial.

(d) A specific listing of all non-pecuniary injuries sustained and damages sought in terms of temporary or permanent injury.

(e) A list of all exhibits the party intends to use at trial.

(f) An estimated length of time which will be required to present the parties' respective cases in chief.

**ARBITRATION**

**Proposed/Revised Local Rule L1301. Cases for Submission.**

A. Compulsory arbitration of matters as authorized by Section 7631 of the Judicial Code, 42 Pa.C.S. § 101, et. seq. shall apply to all cases at issue where the amount in controversy shall be twenty-five thousand dollars (\$25,000.00) or less.

The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party.

In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

B. Any civil action filed that is subject to Compulsory Arbitration under Section 7631 of the Judicial Code, 42 Pa.C.S. § 101, et. seq., as governed by Subpart A of this Rule, shall be designated as an arbitration case on its face sheet.

C. Within 20 days of the close of the pleadings, any party to an arbitration case desiring discovery shall notify the Court by filing Exhibit L1301 that it intends to engage in discovery so that the Court may issue a scheduling order pursuant to Local Rule 305. If no party to an arbitration case files Exhibit L1301, the Board of Arbitrators shall be appointed within 30 days of the date the pleadings are closed.

IN THE COURT OF COMMON PLEAS OF THE 37TH  
JUDICIAL DISTRICT OF PENNSYLVANIA WARREN  
COUNTY BRANCH CIVIL

Plaintiff

vs. In Arbitration  
No. \_\_\_\_\_ of 20 \_\_\_\_

Defendant

**NOTICE**

\_\_\_\_\_ intends to engage in discovery in  
Plaintiff/Defendant  
the captioned case. Discovery is estimated to require  
\_\_\_\_\_ days.

\_\_\_\_\_  
Counsel/Pro Se Party

**Exhibit L1301**

[Pa.B. Doc. No. 01-900. Filed for public inspection May 25, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 37—LAW

### OFFICE OF ATTORNEY GENERAL

#### [37 PA. CODE CH. 303]

#### Debt Collection Trade Practices

The Office of Attorney General (OAG), through its Bureau of Consumer Protection, deletes Chapter 303 (relating to debt collection trade practices) to read as set forth in Annex A.

Chapter 303 was expressly rescinded by section 6 of the act of March 28, 2000 (P. L. 23, No. 7) (Act 2000-7), known as the Fair Credit Extension Uniformity Act (73 P. S. §§ 2270.1—2270.6). Act 2000-7 establishes and describes unfair or deceptive acts or practices with regard to the collection of debts, effectively replacing the provisions of Chapter 303. The OAG is not proposing any regulations under Act 2000-7 at this time.

#### *Omission of Proposed Rulemaking*

Proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. § 1204(3)), since the deletion of Chapter 303 by Act 2000-7 renders notice of proposed rulemaking impracticable and unnecessary.

#### *Fiscal Impact*

This rulemaking has no fiscal impact on the general public or government agencies.

#### *Effective Date*

This final-omitted rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Questions or comments regarding this final-omitted rulemaking may be addressed to Frank T. Donaghue, Director, Bureau of Consumer Protection, Office of Attorney General, 14th Floor, Strawberry Square, Harrisburg, PA 17120, (717) 787-9707. Questions or comments may also be e-mailed to [consumers@attorneygeneral.gov](mailto:consumers@attorneygeneral.gov) or faxed to (717) 787-1190.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 9, 2001, the OAG submitted a copy of this final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees.

Under section 5.1(d) of the Regulatory Review Act, on May 1, 2001, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on May 3, 2001, IRRC met and approved the final-omitted rulemaking.

#### *Sunset Date*

No sunset date is proposed for this rulemaking since it deletes a chapter of the *Pennsylvania Code* which was repealed by legislation.

#### *Findings*

The OAG finds that:

(1) Notice of proposed rulemaking is impracticable and unnecessary under section 204(3) of the CDL because Chapter 303 was rendered of no effect by the absolute repeal of Act 2000-7, which became effective on June 26, 2000.

(2) The adoption of the rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

#### *Order*

The OAG, acting under the authorizing statutes, orders that:

(a) The regulations of the OAG, 37 Pa. Code Chapter 303, are amended by deleting §§ 303.1—303.9 to read as set forth in Annex A.

(b) The OAG has reviewed the rulemaking for approval as to form and legality as required by law.

(c) The OAG shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(4) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

FRANK T. DONAGHUE,

*Director*

*Bureau of Consumer Protection*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 2641 (May 19, 2001).)

**Fiscal Note:** 59-8. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 37. LAW

#### PART V. BUREAU OF CONSUMER PROTECTION

#### CHAPTER 303. (Reserved)

#### §§ 303.1—303.9. (Reserved).

[Pa.B. Doc. No. 01-901. Filed for public inspection May 25, 2001, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

### Standards for Disinfection and Sanitation

The State Board of Barber Examiners (Board) proposes to amend its regulations in Chapter 3 (relating to State Board of Barber Examiners) to read as set forth in Annex A. These amendments are proposed under the Governor's Executive Order 1996-1, which directs that Commonwealth agencies revise their regulations to delete unnecessary provisions and consolidate provisions where applicable. In addition, the Board proposes to amend its regulations to reflect current knowledge and procedures for sanitation and disinfection in barber shops and barber schools.

#### A. Effective date

The amendments will be effective upon publication of final-form regulations in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

The amendments are authorized under section 15-A.4(b) of the Barber License Law (act) (63 P.S. § 566.4(b)).

#### C. Background and Purpose

The purpose of the amendments is twofold. First, the amendments would update and implement standards for disinfection and sanitation that reflect current knowledge and practices for preventing the spread of pathogens in barber shops and barber schools. Second, the amendments would delete unnecessary provisions and make editorial changes.

#### *Description of Proposed Sanitation Amendments*

The Board has jurisdiction over sanitation and disease control measures in barber shops. Under section 15-A.4(b) of the act, the Board is authorized to prescribe rules for sanitary requirements. The substantive requirements of the Board regulations on sanitation and disease control were last substantively amended in 1992. Since that date, advances in the chemical treatment of pathogens have made products available to Board licensees and others which substantially reduce the threat of transmission of disease through the use of shop equipment. Also, the generally accepted terminology for controlling the spread of disease has been substantially revised to more precisely reflect the level of disease control. These terms are now commonly used in products.

First, the Board proposes to delete from the regulations the term "sterilization" and to add the terms "disinfect" and "cleanse." Sterilization now is used in connection with infection control to refer to infection control in highly sensitive environments such as hospitals. The Board recognizes the importance of controlling the spread of disease by both cleansing and disinfecting surface materials. The Federal Environmental Protection Agency (EPA) regulates and registers chemicals and products which disinfect. These changes are reflected in definitions added to § 3.1 (relating to definitions).

As sterilization is not required of tools and instruments used in barber shops or schools, references to sterilization

have been removed. Section 3.1 contains definitions for "disinfect," "EPA registered disinfectant" and "cleanse."

Section 3.54 (relating to minimum equipment requirements) is amended to reflect the new disinfection requirement, as opposed to sterilization. Section 3.55 (relating to maintenance) pertaining to barber shops and § 3.86 (relating to maintenance and sterilization) pertaining to barber schools have been amended to contain the primary requirements for sanitation and disinfection of equipment and implements, which must be subjected to a four-step cleanse, disinfect, rinse and dry, and store procedure.

#### *Description of Proposed Amendments Pertaining to General Revisions*

The secondary purpose of these amendments is to replace antiquated provisions with more modern approaches to the practice and teaching of barbering.

Section 3.12(c) (relating to license limitations) would be deleted because the language is superfluous with § 3.12(a).

Section 3.43(b) (relating to practical test) would be amended to include mannequins in the list of tools an applicant for a practical test should furnish at the exam and § 3.43(d) would delete scalp manipulations and facial massage from the procedures that an applicant for a practical test must demonstrate, and includes the demonstration of permanent waving and hair coloring. This change reflects the more contemporary services that are performed in barber shops and taught in schools.

Section 3.51(b) (relating to licenses and permits) will make it clear that the reference is to the Department of State. Section 3.52 (relating to minimum general requirements) amends the word "toilet" and "lavatory" to refer to "restrooms."

The Board proposes to amend § 3.54 regarding minimum equipment requirements in barber shops to more clearly delineate what is required. These changes reflect current trends in barber shops. For example, because strops, tweezers and hones are not used often, the Board is proposing that only one strop, one tweezer and one hone be required in a shop rather than one for each barber chair in operation. In addition, the Board would require two razors for each chair rather than three and require that at least one of these must be nondisposable.

Since there is no statutory authority to regulate shampoo personnel, the Board proposes to delete § 3.57 (relating to shampoo personnel) that requires shampoo personnel to obtain a record from a physician certifying that the shampoo personnel are free from contagious or infectious diseases. Since section 13(a) of the act (63 P.S. § 563) permits nonlicensed persons to shampoo hair under the supervision of a barber-manager or barber-owner, regulatory language is redundant. Therefore, the Board is proposing to delete § 3.57.

Section 3.71 (relating to curriculum), pertaining to curriculum in barber shops, will reflect the teaching of students by both barber teachers and barber managers. In addition, shaving and various uses of the straight razor will be added as a subject in the students' curriculum for practical work as well as permanent waves, color and facials as being part of the practice of massage. The approximate number of instructional hours for permanent waves and color will be 50 hours of each. The number of

instructional hours for facial massage and shampoo would be decreased from 100 to 50 hours.

The Board proposes to amend § 3.71(d) pertaining to a licensed cosmetologist who wishes to take the barber examination. The amendment will make it clear that the subject matter being taught is the State barber laws. Also, the Board would update the language "cutting and styling" to reflect the more accurate procedures of "hair-cutting, hairstyling and hairpieces."

The proposal would revise § 3.72 (relating to student's records) pertaining to students' records in barber shops. The Board is adding a new subsection (b) to require that barber managers or teachers who train a student in a shop must keep quarterly reports of the hours earned by the student. The quarterly reports would be required to be provided to the student upon request. Subsection (a) of this provision would be amended to more clearly require student records to be kept for inspection by the Board's representative.

Section 3.73 (relating to books) relating to books in a shop will be amended to delete the list of books required and instead permit the shop to include a standardized textbook on barbering.

The Board intends to amend § 3.84 (relating to space) by changing the language to more accurately describe the size of a clinic room.

The Board intends to amend § 3.85 (relating to equipment) pertaining to equipment in barber schools. In particular, ultraviolet ray lamps are no longer used in barber schools or barber shops and, accordingly, that piece of equipment will be deleted. Also, the book, "Gray's Anatomy" will be deleted and replaced by the requirement that a school have a medical dictionary. Also, one electric lather mixer will be required for every ten students rather than every five students. In addition, two razors, rather than three, will be required and at least one of the razors must be nondisposable. Section 3.87 (relating to student's records) will be amended to include a subsection (b), which would require that each barber school keep quarterly reports of the hours earned by the student. The quarterly reports will be provided to the student upon request. The Board intends to amend § 3.88 (relating to supervisor and teachers) to reflect that a school shall be, at all times, under the immediate supervision of a licensed teacher rather than a supervisor who possesses a teacher's certificate. Because a licensed teacher has at least 5 years practical experience in a barber shop, the requirement that the supervisor be a teacher with at least 5 years practical experience is unnecessary. Section 3.90 (relating to student curriculum) pertaining to students' curriculum in barber schools will be amended by requiring that various uses of the straight razor be incorporated into the students' curriculum.

#### *D. Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1, the Board solicited input from the regulated community in the drafting and promulgating this proposal. On January 20, 1999, the Board wrote to barber schools and associations soliciting input on the proposed amendments.

#### *E. Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no fiscal impact on the Commonwealth or its political divisions. The Board will be receiving applications for registration for students who are training in barber shops.

#### *F. Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### *G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 14, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any objections to any portion of the proposed amendments, it will notify the Board within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed amendments. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor of objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-424 (General Revisions), when submitting comments.

RICHARD SCIORILLO,  
*Chairperson*

**Fiscal Note:** 16A-602. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

#### **GENERAL PROVISIONS**

#### **§ 3.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Cleanse**—To clean and remove debris by washing with soap and water.

**Disinfect**—To destroy pathogenic micro-organisms by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

**EPA**—The Environmental Protection Agency.

**EPA registered disinfectant**—A product used to destroy pathogenic micro-organisms that is registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

### LICENSES

#### § 3.12. License limitations.

\* \* \* \* \*

[ (c) An individual to whom a barber-teacher's license has been issued shall be deemed qualified to perform the functions of a barber-teacher, barber-manager or barber. ]

### STUDENTS

#### § 3.22. Credit.

A student will be given credit only for the actual time spent performing barbering services, or being instructed in theory by a licensed barber-teacher or barber-manager.

### EXAMINATIONS

#### § 3.41. Applications for examinations.

\* \* \* \* \*

(b) An examination application shall include payment of the fee, a notarized statement certifying the completion of the hours of [ **instructions** ] **instruction**, from either a barber school or a barber-teacher or barber-manager with whom the student has studied and trained, and a notarized statement from a physician indicating that the student is free from contagious and infectious diseases.

#### § 3.43. Practical test.

\* \* \* \* \*

(b) An applicant shall furnish his own tools, such as **mannequins**, clippers, shears, combs, razors, hone, strop, shaving brush, hair cloth, tonics, creams, towels and spatula to perform the practical operations of barbering.

\* \* \* \* \*

(d) The applicant shall demonstrate haircutting, [ **scalp manipulations** ] **permanent waving**, **hair coloring**, shaving, [ **facial massage** ] and honing and stropping.

\* \* \* \* \*

### BARBER SHOPS

#### § 3.51. Licenses and permits.

\* \* \* \* \*

(b) Trade names and fictitious names shall be registered with the **Corporation Bureau** of the Department of **State** before a permit will be issued.

\* \* \* \* \*

#### § 3.52. Minimum general requirements.

(a) Every barbershop shall provide for the following:

\* \* \* \* \*

(8) Readily [ **accessible toilet** ] **available restroom** facilities.

\* \* \* \* \*

(c) When a barbershop and a cosmetology shop are located side by side in the same building and owned by the same individual, partnership or corporation, the shops may share [ **lavatory** ] **restroom** facilities.

#### § 3.54. Minimum equipment requirements.

Every barbershop shall provide for the following:

\* \* \* \* \*

(5) A sanitary headrest **for every two chairs**.

\* \* \* \* \*

(8) One [ **covered** ] soiled towel receptacle for each chair.

\* \* \* \* \*

(13) One clothes tree or its equivalent [ **to accommodate the wraps of at least three customers** ].

\* \* \* \* \*

(16) [ **Three** ] **Two** razors for each chair in operation, **at least one of which is nondisposable**.

\* \* \* \* \*

(18) [ **Six combs** ] **Combs** for each chair in operation.

(19) One strop [ **for each chair in operation** ].

(20) One tweezer [ **for each chair in operation** ].

(21) One hone [ **for each chair in operation** ].

\* \* \* \* \*

(25) [ **Sterilizing** ] **Disinfection** solution.

(26) Proper [ **sterilizing** ] **disinfection** equipment.

\* \* \* \* \*

#### § 3.55. Maintenance and sanitation.

\* \* \* \* \*

(c) [ **Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber discs, parts of vibrators or massaging machines, and other utensils or appliances that come into contact with the neck, face or head, except neck dusters, which shall be thoroughly cleaned once a day, shall be cleaned immediately after each use and shall be sterilized immediately before using on another customer. Instruments shall be sterilized by placing them in live steam for at least 12 minutes, or by immersing in disinfecting solution equal to a 5% solution of carbolic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. All methods of sterilization that are bacteriologically effective are permitted.** ] All equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) **Step 1: Cleanse.** All debris shall be removed and the objects washed with soap and water.

(2) **Step 2: Disinfect.** The cleansed objects must be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

(3) **Step 3: Rinse and dry.** The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) **Step 4: Store.** The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and

closed container clearly marked as such. Sharp implements shall be stored upright with the points down.

(d) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.

(e) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[(d)] (f) Every barbershop shall use only freshly laundered and [sterilized] sanitized towels, kept in a closed dustproof container, for each patron. The headrest of the barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of a person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. Towels used on each patron shall be discarded in a closed receptacle, and towels may not be left lying on a workbench or washbowl.

[(e)] (g) \* \* \*

[(f)] (h) \* \* \*

[(g)] (i) \* \* \*

[(h)] (j) \* \* \*

[(i)] (k) [A patch test shall be performed before using a dye or tint. The test shall be made on a skin area either behind the ear or on the forearm. If no swelling, itching, redness or other reaction occurs after 24 hours, the barber may proceed with the dyeing or tinting process.] All products shall be used in accordance with the manufacturer's instructions.

[(j)] (l) \* \* \*

§ 3.57. [Shampoo personnel] (Reserved).

[Unlicensed personnel are permitted to administer shampoos in barbershops under the supervision of a manager-barber or barber owner if the shop owner and the shop manager have on record a physician's certificate certifying that they are free from contagious or infectious diseases. It is the responsibility of the shop owner and the shop manager to insure that the shampoo personnel obtain the certificate. The certificate shall be made available to inspectors for the Commonwealth when requested.]

#### SERVICES PERFORMED OUTSIDE THE SHOP

##### § 3.61. Out-of-shop services.

When barbering services are provided outside a licensed barbershop, the following requirements apply:

\* \* \* \* \*

[(4)] The owner of the sponsoring shop shall comply with sanitary requirements as if out-of-shop services were performed in the shop.]

#### STUDY [UNDER LICENSED BARBER-TEACHERS] IN BARBER SHOPS

##### § 3.71. Curriculum.

(a) *Schedule.* Every [barber-teacher who is teaching a] student shall [instruct the student] be instructed in accordance with the following schedule:

<i>Subject</i>	<i>Approximate Hours</i>
	* * * * *
Shaving and various uses of the straight razor	240
	* * * * *

(b) *Practical work.*

(1) Each student [studying under a licensed barber-teacher] shall perform the following amount of practical work during his training:

<i>Subject</i>	<i>Approximate Hours</i>
Permanent waves	50
Color	50
Haircuts	200
Shaves	150
Massages (facial)	[ 100 ] 50
[ Shampoos ] Shampoo	[ 100 ] 50
Total operations	550
	* * * * *

(d) *Examination.*

(1) If a licensed cosmetologist wishes to take the barber examination, the cosmetologist shall have successfully completed the following subjects:

<i>Subject</i>	<i>Approximate Hours</i>
[ Laws ] State Barber laws, rules and regulations	50
[ Cutting and styling ] Haircutting, hairstyling and hairpieces	330
	* * * * *
Honing [ - ] and stropping	50
	* * * * *

##### § 3.72. Student's records.

(a) [ Every licensed barber-teacher under whom a student is studying shall keep, at all times and ] Student records shall be kept for inspection by the Board's representative, [ a file of the student regarding ] which shall include proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

(b) A barber manager or teacher who is training a student under subsection (a) shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

##### § 3.73. Books.

Library and textbooks for teaching students shall include adequate books needed by the students. Among these shall be included a medical dictionary and a standardized textbook on barbering. [ , one *Gray's Anatomy* and one of the following:

(1) *Standardized Textbook on Barbering*, published by the Associated Master Barbers and Beauticians of America.

(2) *Practical and Scientific Barbering*, published by the Journeymen Barbers' International Union of America.

(3) *Modern Textbook on Barbering* by S.C. Thorpe, published by the Milady Publishing Corporation.

(4) *Manual on Barber Practice and Science*, published by the Milady Publishing Corporation. ]

#### SCHOOLS OF BARBERING

##### § 3.84. Space.

Clinic rooms shall be a minimum length of at least 10 feet for the first chair and 5 [feet for each additional chair] additional feet centerpoint between each additional chair with a minimum width of 12 feet for one row of chairs. Where two rows of chairs are opposite of each other, the room shall be a minimum of 20 feet wide.

##### § 3.85. Equipment.

(a) Every barber school shall have the following equipment for each school:

\* \* \* \* \*

(5) [ Ultra violet ray lamps.

(6) ] One microscope.

[ (7) ] (6) One twin vibrator [ for each instructor ].

[ (8) ] (7) [ Medical dictionaries and *Gray's Anatomy* ] One medical dictionary.

[ (9) ] (8) \* \* \*

[ (10) ] (9) \* \* \*

[ (11) ] (10) \* \* \*

[ (12) ] (11) One electric lather mixer for every [ five ] ten students.

[ (13) ] (12) \* \* \*

(b) Every barber school shall have the following equipment for each student:

\* \* \* \* \*

(10) [ Three ] Two razors, at least one of which is nondisposable.

\* \* \* \* \*

##### § 3.86. Maintenance and sterilization.

\* \* \* \* \*

(b) [ Tools and instruments, such as razors, tweezers, combs, hairbrushes, rubber, discs, parts of vibrators or massaging machines, and all other utensils or appliances that come into contact with the neck, face or head shall be cleaned immediately after each use and shall be sterilized. Instruments may be sterilized by immersing in disinfecting solution equal to 5% solution of carbolic acid or alcohol solution of at least 70% strength for at least 1 minute before serving each patron. Shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use. Any method of sterilization that is bacteriologically effective will be permitted. ] All equipment and implements that

come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* All debris shall be removed and the objects washed with soap and water.

(2) *Step 2: Disinfect.* The cleansed objects shall be disinfected by complete immersion in an EPA registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp instruments shall be stored upright with the points down.

(c) Only cleansed, disinfected, and rinsed equipment and implements properly stored shall be used on patrons.

(d) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

[ (c) ] (e) Only freshly laundered and [sterilized] sanitized towels kept in a closed dustproof container shall be used for each patron. The headrest of a barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. A newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin when cutting the hair of a person. Towels used on each patron shall be discarded in a closed receptacle, and may not be left lying on a workbench or washbowl.

[ (d) ] (f) \* \* \*

##### § 3.87. Student's records.

(a) \* \* \*

(b) Each school shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

##### § 3.88. Supervisor and teachers.

(a) The school shall, at all times, be under the immediate supervision of a [supervisor who possesses the following qualifications:

(1) A teacher's certificate of registration.

(2) A verified record of at least 5 years practical experience in a registered barbershop and 1 year of satisfactory experience in teaching ] licensed teacher.

\* \* \* \* \*

##### § 3.90. Student curriculum.

\* \* \* \* \*

(c) Every barber school is required to instruct students in barber science as follows:

<i>Subject</i>	<i>Approximate Hours</i>
* * * * *	
Shaving and various uses of the straight razor	240
* * * * *	

[Pa.B. Doc. No. 01-902. Filed for public inspection May 25, 2001, 9:00 a.m.]

# STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]  
Sanitation; General Revisions

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend Chapter 19 (relating to State Board of Vehicle Manufacturers, Dealers and Salespersons) to read as set forth in Annex A.

## *Effective Date*

The amendments will be effective upon final publication in the *Pennsylvania Bulletin*.

## *Statutory Authority*

The amendments are authorized under section 4 of the Board of Vehicles Act (act) (63 P. S. § 818.4).

## *Background and Need for the Amendment*

Under the act of April 19, 1996 (P. L. 104, No. 27) (Act 27), the General Assembly amended the act (63 P. S. §§ 818.1—818.37). The statutory amendments did not change the substantive law; however, the amendments significantly changed the licensing framework and made many changes in terminology. For example, the license classes of “broker” and “wholesaler” were removed, and the license class of “auction” was created.

These changes are necessary to eliminate confusion among the regulated community because the Board’s current regulations use the terminology and licensure categories of the earlier act. The proposed amendments will bring the regulations up to date to conform to the statutory amendments.

## *Description of Proposed Amendments*

The proposed amendments would make the language of the regulations, and their respective licensure categories, consistent with the act, as amended by the Act 27. Also, the amendments remove from the regulations those definitions and requirements that appear in the act.

The proposed amendments would make the following changes:

### *Proposed amendments to § 19.2 (relating to definitions).*

The term “act” would be amended to conform to the new numbering of the act.

The term “Board” would be amended to delete references to the composition of the Board because the composition of the Board is set by section 3 of the act (63 P. S.

§ 818.3) and to delete the statement of the Board’s function because that is defined in section 4 of the act.

The term “camping trailer” would be amended to delete this definition because the term is not used in the act or regulations.

The term “dealer” would be deleted because it is defined in section 2 of the act (63 P. S. § 818.2).

The term “distributor or wholesaler” would be deleted. The term “distributor” is defined in section 2 of the act, and the act no longer refers to the former class of licensees known as wholesalers.

The term “distributor branch” would be deleted because the term is defined in section 2 of the act.

The term “distributor representative” would be deleted because the term is defined in section 2 of the act.

The term “engaging in the occupation of vehicle salesperson” would be amended to clarify that the display, demonstration and offer for sale of vehicles is part of the business of a vehicle salesperson. The definition is further amended to reflect the intent of the act that the sale of even one vehicle, not owned by the seller, is engaging in the occupation of a vehicle salesperson.

The term “factory branch” would be deleted because the term is defined in section 2 of the act.

The term “factory representative” would be deleted because the term is defined in section 2 of the act.

The term “interest in vehicles” would be added to reflect the Board’s interpretation that the lease of a vehicle is not encompassed in the phrase “interest in vehicles” as used in the definition of “dealer” in section 2 of the act.

The term “motor vehicle” would be deleted because the act uses the term “vehicle” and defines “vehicle” in section 2 of the act.

The term “manufacturer” would be deleted because the term is defined in section 2 of the act.

The term “retail sale or sale at retail” would be deleted because the term is defined in section 2 of the act.

The term “vehicle salesperson” would be deleted because the act uses the term “salesperson” and defines “salesperson” in section 2 of the act.

### *Proposed amendment to § 19.4 (relating to fees).*

The proposed deletion of the word “wholesale” from the distributor license application provision reflects the deletion of references to wholesalers in the act. The proposed deletion of the word “broker” reflects the new definitions of “dealer” and “auction” in the act. The statutory definitions divide between dealers and auctions those activities that were formerly performed by brokers. The references to the “used vehicle lot license application” would be deleted because the act no longer makes a distinction between the facilities requirements for new and used vehicle dealers.

### *Proposed amendment to § 19.11 (relating to license).*

The Board proposes to delete the reference to “manufacturer or dealer” in § 19.11 because the section relates to vehicle salesperson’s license and, therefore, references to manufacturers or dealers in § 19.11 are misplaced. In addition, other sections of the chapter address licensure for manufacturers and dealers.



*Proposed amendment to § 19.12 (relating to application for license).*

The Board proposes to delete the reference to “manufacturer and dealer” in § 19.12 because vehicle salesperson’s license and, therefore, references to manufacturers or dealers in § 19.12 are misplaced. In addition, other sections of the regulations address application for licensure for manufacturers and dealers. The Board proposes to delete the word “motor” from the phrase “motor vehicle” because the act uses the term “vehicle” and not the term “motor vehicle.”

*Proposed amendment to § 19.15 (relating to termination of employment).*

The Board proposes to delete the requirement that a dealer surrender a salesperson’s license to the Board within 10 days after termination of employment because section 25 of the act (63 P. S. § 818.25), requires that the dealer surrender the salesperson’s license within 10 days after termination. This provision in § 19.15 is, therefore, duplicative.

*Proposed amendment to § 19.16 (relating to penalties).*

The Board proposes to delete § 19.16 because the penalties for unlicensed practice are set forth in section 28 of the act (63 P. S. § 818.28).

*Proposed amendment to § 19.17 (relating to separate business identity for brokers and dealers).*

The Board proposes to delete references to brokers, which are no longer a class of persons licensed under the act.

*Proposed amendment to § 19.18 (relating to established place of business for dealers).*

The Board proposes to delete references to trailers, semitrailers, recreational vehicles, mobile homes, house trailers or office trailers in § 19.18(a)(3) because the act does not distinguish between types of trailers. Instead, section 2 of the act defines “semitrailers and trailers” and “recreational vehicles.” The Board proposes to delete references to trailers or semitrailers in § 19.18(a)(3)(i) because these terms are defined in section 2 of the act. In addition, the Board proposes to add manufactured housing to the list of vehicles encompassed by the display area regulation because the act refers to manufactured housing and imposes licensure requirements similar to vehicle dealers on dealers of manufactured housing.

The Board proposes to delete subsection (b) relating to the waiver of the certificate of occupancy requirement because the Board does not have the authority to waive a requirement of the Department of Labor and Industry.

*Proposed amendment to § 19.21 (relating to powers and duties).*

The Board proposes to delete § 19.21, powers and duties of the Board, because the powers and duties of the Board are set forth in section 4 of the act.

*Proposed amendment to § 19.22 (relating to investigation).*

The Board proposes to amend § 19.22 by deleting current paragraphs (1)—(8) and (18)—(23), and renumbering the remaining sections. Sections (1)—(8) are being deleted because they address matters addressed in the act. The following table sets forth the regulatory sections the Board proposes to delete because the sections are addressed by statutory sections.

#### **49 Pa. Code § to be Deleted**

§ 19.22(1)	section 818.19(2)
§ 19.22(2)	section 818.19(3)
§ 19.22(3)	section 818.19(4)
§ 19.22(4)	section 818.19(5)
§ 19.22(5)	section 818.19(7)
§ 19.22(6)	section 818.19(8)
§ 19.22(7)	section 818.19(9)
§ 19.22(8)	section 818.19(10)
§ 19.22(18)	section 818.19(12)
§ 19.22(19)	section 818.19(12) and (17)
§ 19.22(20)	section 818.19(12) and (17)
§ 19.22(21)	section 818.19(11), (12) and (17)
§ 19.22(22)	section 818.19(22)—(24)
§ 19.22(23)	section 818.19(11), (12) and (17)

#### **Corresponding section of Act, 63 P. S.**

*Proposed amendment to § 19.23 (relating to auto and recreation vehicle exhibitions).*

The Board proposes to delete the current § 19.23 because these items are addressed in sections 32 and 33 of the act (63 P. S. §§ 818.32 and 818.33). In addition, the Board proposes to rename § 19.23, to be titled “Vehicle shows, off-premise sales and exhibitions” and to add a new subsection (a). Section 19.23 would then limit the amount of time an off-premise sale may run, to effectuate the intent of the act that vehicles be sold from licensed premises.

#### *Compliance with Executive Order 1996-1*

The Board sent this proposed amendment to dealer and vehicle auction organizations as required under the directives of Executive Order 1996-1. In addition, the Board considered the impact the regulation would have on the regulated community and on public safety and welfare. The Board finds that the proposed amendments address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

#### *Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 14, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, “Regulatory Review and Promulgation.” A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor of objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ROBERT G. PICKERILL,  
*Chairperson*

**Fiscal Note:** 16A-424. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

### **CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

#### **GENERAL PROVISIONS**

#### **§ 19.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Board of Vehicles Act (63 P. S. §§ 818.1—[ **818.28** ] **818.37**).

*Board*—The State Board of Vehicle Manufacturers, Dealers and Salespersons[, which shall consist of persons to be appointed by the Governor, which shall aid and assist in the administration of the act.

*Camping trailer (tent trailer)*—A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.

*Dealer*—A person defined as a new car dealer, or used car dealer in 75 Pa.C.S. §§ 101—9909 (relating to the Vehicle Code). For the purposes of this act, the term shall also include a person who buys, sells or exchanges house trailers or recreational vehicles at retail, whether or not the activity is a principal or substantial portion of his business.

(i) *New car dealer*. A person, as defined in this act, actively engaged in and devoting a substantial portion of his time in the business of buying, selling or exchanging new and used motor vehicles, trailers or semitrailers on commission or otherwise, who maintains a salesroom or garage devoted principally to the motor vehicle business and an established place of business, and who holds a contract in writing with a manufacturer, importer or dis-

tributor, giving a person selling rights for new motor vehicles, trailers or semitrailers or who is a manufacturer of motor vehicles, trailers or semitrailers or who is an importer or distributor of new motor vehicles, trailers or semitrailers who holds a contract in writing with a manufacturer of motor vehicles, trailers and semitrailers.

(ii) *Used car dealer*. A person, as defined in the act, actively and principally engaged in and devoting a substantial portion of his time to the business of buying, selling or exchanging used motor vehicles, tractors, trailers or semitrailers and who maintains a salesroom, garage or used car lot, actually occupied by a person and maintains an established place of business, which established place of business shall include at least a two-bay garage equipped to perform the usual and normal repair and servicing of motor vehicles or the dealer shall by written contract have available to him at all times these repair and servicing facilities and upon which or adjacent thereto is a building or a portion of a building, owned or rented by the person, where his books and records are kept, and which is devoted principally to the motor vehicle business, in which the repair of motor vehicles is subordinate or incidental to the business of buying, selling or exchanging the same. ]

\* \* \* \* \*

[ *Distributor or wholesaler*—A person, resident or nonresident who in whole or part, sells, or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

*Distributor branch*—A branch office similarly maintained by a distributor or wholesaler for the same purposes.

*Distributor representative*—A representative similarly employed by a distributor, distributor branch or wholesaler. ]

*Engaging in the occupation of vehicle salesperson*—The display, demonstration, offer for sale or retail sale [ during a 12-month period of five or more motor vehicles ] of any vehicle not owned by that person.

[ *Factory branch*—A branch office maintained by a person who manufactures or assembles motor vehicles, as defined in this section, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or part, its representatives.

*Factory representative*—A representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers. ]

*Interest in vehicles*—Does not include the lease of a vehicle.

[ *Motor vehicle*—otor vehicles, house trailers and mobile homes, as defined in 75 Pa.C.S. § 102 (relating to definitions) unless specifically exempt by this chapter.

*Manufacturer*—A person, resident or nonresident who manufactures or assembles motor vehicles or who manufactures or installs on previously as-

sembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

**Retail sale or sale at retail**—The act or attempted act of selling, bartering, exchanging or otherwise disposing of a motor vehicle to an ultimate purchaser for use as a consumer.

**Vehicle salesperson**—A person who, for a commission, compensation or other valuable consideration, is employed as a salesman by a motor vehicle or mobile home dealer to sell at retail motor vehicles or mobile homes. This term shall include and apply to the following:

(i) A vehicle salesperson licensed shall be licensed to sell only for one dealer at a time and his license shall indicate the name of the motor vehicle dealer.

(ii) The principal, an officer or a partner of a motor vehicle or mobile home, truck or recreational vehicle dealer if he personally is actively engaged in the retail sale of motor vehicles.

(iii) If a dealer has a controlling or supervisory interest for more than one dealership, he may sell from any one of the dealerships.

(iv) If the dealer for whom the salesman is employed has more than one dealership, he may sell from any dealership. ]

#### § 19.4. Fees.

	* * * *
Vehicle [ <b>broker</b> ] auction license application ..	65
Dealer [ <b>or broker</b> ] branch lot license application .....	\$65
[ <b>Used vehicle lot license application</b> .....	\$65 ]
	* * * *
Biennial Renewal—[ <b>wholesale</b> ] distributor license .....	\$70
	* * * *
Biennial Renewal—vehicle [ <b>broker</b> ] auction license .....	\$70
Biennial Renewal—dealer [ <b>or broker</b> ] branch license .....	\$70
[ <b>Biennial Renewal—used vehicle lot license</b> .....	\$70 ]

#### VEHICLE SALESPERSON'S LICENSE

##### § 19.11. License.

It [ **shall be** ] is unlawful for a person, except as provided in this title, to engage in the occupation of vehicle salesperson [ , **manufacturer or dealer** ] within this Commonwealth unless he has secured a license as required under the act.

##### § 19.12. Application for license.

(a) Application for license as a vehicle [ **manufacturer, dealer,** ] salesperson [ , **wholesaler, distributor branch representative, factory branch representative,** ] shall be made in writing to the Board, signed by the applicant, designating the business name and address of the [ **motor** ] vehicle dealer then employing him or

into whose employ he is then about to enter. Applications shall be made upon a form of application prepared by the Board which shall include the recommendation of his employer or prospective employer certifying that the applicant is honest, trustworthy, truthful and of good repute and recommending that a license be granted. In the case of an applicant who is himself a [ **motor** ] vehicle dealer, an officer of a corporation which is a [ **motor** ] vehicle dealer or a member of a partnership which is a [ **motor** ] vehicle dealer, a **representative of** a bank or sales finance company which has personal knowledge concerning the reputation and fitness of the applicant, shall complete affidavit No. 4 on transfer form or No. 18 on the original application. The form of application shall contain other information as the Board [ **shall require** ] requires.

(b) A person, resident or nonresident, who, in whole or in part, sells, distributes or exchanges [ **motor** ] vehicles to [ **motor** ] vehicle dealers within this Commonwealth, is required to be licensed in this Commonwealth as a distributor [ **—wholesaler—** ] or dealer.

##### § 19.15. [ **Termination of employment** ] (Reserved).

[ **Within 10 days after termination of employment, the dealer shall surrender to the Board the salesperson's licenses.** ]

##### § 19.16. [ **Penalties** ] (Reserved).

[ **Whoever engages in the occupation of vehicle salesperson or in the business of vehicle dealer manufacturer, factory branch, distributor branch, factory or distributor representative without being licensed and registered as required by the act or attempts to use as his own the license of another or gives a false or forged evidence of any kind to the Board or to a member of the Board in order to obtain a license, or uses an expired, suspended or revoked license, or otherwise violates the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding \$100 or undergo imprisonment for a period of not more than 90 days, or both.** ]

#### VEHICLE DEALERSHIP LICENSE

##### § 19.17. Separate business identity for [ **brokers and** ] dealers.

Every [ **licensed brokerage and every** ] licensed dealership shall have a business identity separate from other businesses owned or operated by the [ **broker or** ] dealer.

##### § 19.18. Established place of business for dealers.

(a) *Criteria.* A licensed dealer shall maintain an established place of business that meets the following criteria:

\* \* \* \*

(3) *Display area.* The dealership shall have a display area—whether indoors, outdoors or partly indoors and partly outdoors—where the public is permitted and invited in the regular course of business to inspect or test drive the vehicles[ , **trailers, semitrailers, recreational vehicles, mobile homes, house trailers or office trailers** ] that are being offered for sale, purchase or exchange by the dealership. The display area may not include areas of the dealership premises on which are

placed vehicles[ , **trailers, semitrailers, recreational vehicles, mobile homes, house trailers or office trailers** ] that are wrecked or damaged, that are awaiting reconditioning or preparation for sale, purchase or exchange, that are being serviced or repaired, that are part of general inventory, or that are otherwise not being offered for sale, purchase or exchange to the public. The display area shall meet the following requirements:

(i) *Size.* The display area of a dealership that buys, sells or exchanges vehicles[ , **trailers or semitrailers** ] shall be large enough for the display of at least five vehicles[ , **trailers or semitrailers** ]—with doors opened—of the kind that are bought, sold or exchanged by the dealership. The display area of a dealership that buys, sells or exchanges recreational vehicles, **manufactured housing** and mobile homes [ , **house trailers or office trailers** ] shall have a display area of at least 5,000 square feet **unless the act provides otherwise.**

(ii) *Grading and surfacing.* An outdoor display area shall be properly graded. The outdoor display area of a dealership that buys, sells or exchanges [ **vehicles, trailers, semitrailers or recreational** ] vehicles shall be surfaced with concrete, asphalt, slag, brick, stone, aggregate, gravel, cinder or similar material.

\* \* \* \* \*

(4) *Repairs and ancillary services.*

[ (i) A dealership that buys, sells or exchanges vehicles, trailers, semitrailers or recreational vehicles shall have one of the following:

(A) A garage or other facility, separate from the display area, that has at least two bays and that is equipped to perform the usual and normal repairs and servicing of the vehicles, trailers, semitrailers or recreational vehicles that it buys, sells or exchanges.

(B) A written contract—and attached notarized acknowledgment—with a garage, licensed to perform State inspections, to have the repairs and servicing provided.

(ii) ] A dealership that buys, sells or exchanges mobile homes [ , **office trailers or house trailers** ] or **manufactured housing** shall do one of the following:

[ (A) ] (i) \* \* \*

[ (B) ] (ii) \* \* \*

\* \* \* \* \*

[ (b) *Waiver of Certificate of Occupancy requirement.*

(1) A waiver may be granted to a dealer who is experiencing a hardship in obtaining a Certificate of Occupancy, as required by subsection (a)(8), if the dealer has:

(A) Filed a written application for a waiver with the Board.

(B) Applied for a Certificate of Occupancy through the Department of Labor and Industry by March 31, 1988.

(C) Obtained, and filed a copy with the Board, the documentation from the Department of Labor

and Industry outlining repairs or construction required in the dealer's facility to obtain the Certificate of Occupancy.

(D) File a sworn affidavit indicating that he is complying with the Department of Labor and Industry's requirements, within the time limit established by the Department of Labor and Industry in the documentation, or under 34 Pa. Code (relating to Labor and Industry).

(2) A dealer who had the Certificate of Occupancy requirement waived for the May 31, 1987 or May 31, 1989 renewals, shall complete the repairs and construction required by the Department of Labor and Industry and obtain the Certificate of Occupancy from the Department of Labor and Industry on or before March 31, 1991. If the Certificate of Occupancy is not issued for the dealership facility, the dealership license will not be renewed until a copy of the Certificate of Occupancy has been filed with the Board. ]

#### POWERS AND DUTIES OF THE BOARD

§ 19.21. [ Powers and duties ] (Reserved).

[ The Board will have power and its duty will be to provide for and regulate the licensing of vehicle salesperson, manufacturers, dealers, wholesalers, distributor branch representatives, factory branch representatives, and to issue except as otherwise provided a license to engage in the occupations as covered by the act, to an applicant who meets requirements of the act. ]

§ 19.22. Investigation.

The Board will investigate on its own initiative or upon the verified complaint in writing of a person, allegations of the wrongful act of a licensee of the act and will have the power to suspend or revoke licenses issued by the Board if, after notice and hearing, the person charged is found guilty of committing or attempting to commit the following acts:

(1) [ **Knowingly making a substantial misrepresentation of material facts.**

(2) **Knowingly making false promise of a character likely to influence, persuade or induce the sale of a motor vehicle.**

(3) **Having within 3 years prior to the issuance of the license then in force or while his current license is in force pleaded guilty, entered a plea of nolo contendere, or been found guilty in a court of competent jurisdiction of this Commonwealth or another state of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, bribery or other crime involving moral turpitude.**

(4) **Having knowingly failed or refused to account for or to pay over monies or other valuables belonging to others which have come into his possession arising out of the sale of motor vehicles.**

(5) **Having committed an act or engaged in conduct in connection with the sale of motor vehicles which clearly demonstrates incompetency.**

(6) **Having made a material misstatement in application for a motor vehicle salesperson's license.**

(7) **Having set up, promoted or aided in the promotion of a plan by which motor vehicles are**

sold to a person for a consideration, and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in the plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan.

(8) Having engaged in the buying, selling, exchanging, trading or otherwise dealing in new or used motor vehicles on Sunday in violation of the Sunday Closing Law, 18 Pa.C.S. § 7365 (relating to trading in motor vehicles and trailers).

(9) [ Has required a purchaser of new motor vehicle, as condition of sale and delivery of the vehicle, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser.

[ (10) ] (2) \* \* \*

[ (11) Having failed to maintain an established place of business as defined in § 19.18(a) (relating to established place of business for dealers).

(12) [ (3) Having used the words "lease" or "leasing" in a [ broker's or ] dealer's trade name.

[ (13) ] (4) \* \* \*

[ (14) ] (5) \* \* \*

[ (15) ] (6) \* \* \*

[ (16) ] (7) \* \* \*

[ (17) ] (8) \* \* \*

[ (18) A dealer, new or used car, mobile home or recreational vehicle dealer, who advertises or otherwise holds out to the public that this dealer is selling new motor vehicles for which he does not hold a contract in writing with a manufacturer, importer or distributor giving said dealer authority to sell the motor vehicles will be held to be in violation.

(19) A dealer, new or used car, mobile home or recreational vehicle, who sells new motor vehicles for which he does not hold a contract in writing with a manufacturer, importer or distributor giving the dealer authority to sell these motor vehicles, will be held to be in violation. It is the clear legislative intent as expressed in section 5(2)(xv) and (xvi) of the act (63 P. S. § 805(2)(xv) and (xvi)) (Repealed) that new vehicles may be advertised and sold only by new vehicle dealers having a franchise to sell the vehicles. The purpose to be served by this provision of the act is to protect the public from being misled into believing that they are purchasing from an authorized dealer and thereby being defrauded as to warranty and other rights against the dealer and the manufacturer.

(20) A dealer (used) who sells a new motor vehicle.

(21) A dealer (used) who sells a motor vehicle which has never been registered or titled in the Commonwealth or another state or foreign country under the manufacturer's identification number indicated on the motor vehicle or, if registered or titled within the Commonwealth, the following affi-

davit by the previous owner of the motor vehicle is not in possession of the dealer.

I, the undersigned, do hereby swear and affirm that the applicable Pennsylvania Sales Tax was paid on the motor vehicle bearing manufacturer's identification number \_\_\_\_\_ at the time of my application for title.

(22) Failure of a licensee to remit to the Bureau of Sales and Use Tax of the Department of Revenue any sales tax entrusted to the licensee by the purchaser of a motor vehicle.

(i) A licensee may, as an accommodation to a purchaser, act as agent for the purchaser by submitting the check or draft of the licensee in fulfillment of the sales tax obligation of the purchaser; however, the licensee shall advise the purchaser that the vehicle registration and title of the purchaser may be suspended or revoked if the money represented by the check or draft of the licensee is uncollectible upon the Department of Revenue's attempt to negotiate the check or draft. Failure to comply with this requirement shall be a violation of this paragraph.

(ii) If, as an accommodation to a purchaser, the licensee accepts the responsibility of fulfilling the sales tax obligation of the purchaser, the tax shall be remitted to the Bureau of Sales and Use Tax within 10 days after the date of the transfer. Failure to comply with this requirement shall be a violation of this paragraph.

(iii) A licensee is deemed to violate this paragraph if the check or draft of the licensee is uncollectible upon the Department of Revenue's attempt to negotiate the check or draft.

(23) [ (9) Having used the word "new" in the trade name, in the advertising, or on the checks or business stationery of a [ broker or ] dealer who engages only in the sale, purchase or exchange of used vehicles [ , trailers, semitrailers, mobile homes, house trailers, office trailers or recreational vehicles ] .

[ (24) ] (10) Having used the words "broker" or "brokering" in the trade name, in the advertising, or on the checks or business stationery of a dealer [ who does not have a broker's license ] or auction.

§ 19.23. [ Auto and recreational vehicle ] Vehicle shows, off-premise sales and exhibitions.

[ (a) Manufacturers, distributors, dealers and salespersons may participate and exhibit motor vehicles at annual expositions in public buildings on Sundays.

(b) At the exhibitions no orders may be written, discounts offered, terms and financing arrangements discussed, nor trade-in estimates given. Any other acts which may be construed as negotiating a sale are also prohibited. Sales representatives may be present at these expositions solely to demonstrate their products and to provide the attending public price lists. Signs may be posted indicating prices and that financing is available. Vehicles may be open for inspection.

(c) Out-of-State manufacturers, distributors, dealers and salespersons may be licensed in the same manner as Commonwealth licensees with the fur-

ther proviso that the public exhibition facility is to be considered their showroom or lot for the period of the exposition. The producer of the exposition is to be appointed by the licensee, in writing, as its agent for the purposes of accepting legal process and any other legal documents relating to the act including, but not limited to, Sunday sales violations.

(d) Each exhibitor shall provide the attending public with a list of specifications required by the Commonwealth for the licensing of a vehicle offered for sale by the exhibitor.

(e) The producer of the exhibition shall apply for and receive written authorization from the Board at least 90 days previous to the scheduled opening of the exhibition.

(f) Out-of-State manufacturers, distributors, dealers and salesperson wishing to exhibit vehicles shall first obtain licensure from the Board.

(g) In order to present an exhibition at least 20 dealers shall participate, with a minimum of 50 units for display, unless special permission for

fewer dealers or vehicles is granted by the Board. The number of dealers and the names of those who intend to participate shall be given to the Board 60 days prior to the date of the show.

(h) Signs shall be prominently posted at the entrance to the exhibition hall, the signs indicating that Sunday Sales are prohibited. ]

A vehicle show, off-premise sale or exhibition may not last for more than 14 consecutive days. To preclude the operation of an unlicensed branch location, a dealer may not participate in any show or combination of shows at a given location for more than 15 days in any period of 30 days, for more than 30 days in any period of 3 months or for more than 60 days in any period of 12 months.

[Pa.B. Doc. No. 01-903. Filed for public inspection May 25, 2001, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 15, 2001.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-10-01	Fulton Financial Corporation, Lancaster, to acquire 100% of the voting shares of Drovers Bancshares Corporation, York	Lancaster	Approved

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-11-01	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	100 Gateway Drive Bethlehem Northampton County	Approved
5-14-01	Sterling Financial Trust Company Lancaster Lancaster County <i>Correspondent:</i> Nicholas Bybel, Jr., Esq. Shumaker Williams, P.C. 3425 Simpson Ferry Road Camp Hill, PA 17011	101 N. Pointe Blvd. Lancaster Lancaster County	Filed

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-11-01	AmeriServ Financial Bank Johnstown Cambria County	231 State Street Harrisburg Dauphin County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-00	Promistar Bank Johnstown Cambria County	324 Curry Hollow Rd. Pleasant Hills Allegheny County	Effective

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-904. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Maximum Lawful Rates of Interest for Residential Mortgages for the Month of June 2001

The Department of Banking (Department) of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of June 2001, is 8%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real

property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 5.52 to which was added 2.50 percentage points for a total of 8.02 that by law is rounded off to the nearest quarter at 8%.

JAMES B. KAUFFMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 01-905. Filed for public inspection May 25, 2001, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

### APPLICATIONS

#### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

#### I. NPDES Renewal Applications

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0056961	Ron Stralkowski 2973 Artmar Road Norristown, PA 19403	Montgomery County Worcester Township	Tributary to Stony Creek	



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0056855	Harleysville National Bank and Trust Co. 483 Main Street Harleysville, PA 19438-0195	Montgomery County Limerick Township		
PA0054054	Richard & Deborah Reblock 2026 Broad Street Perkasie, PA 18944	Bucks County Hilltown Township	Deep Run Creek	
PA0055387	PA Historical & Museum Commission Hope Lodge 553 Bethlehem Pike Fort Washington, PA 19034	Montgomery County Whitemarsh	Wissahickon Creek	
PA0052507	George W. Sharp III 876 Shavertown Road Boothwyn, PA 19061	Delaware County Concord Township	UNT to West Branch of Chester Creek	
PA0053244	Jerry & Irene Siano 958 Old Dolington Road Newtown, PA 18940	Bucks County Upper Makefield	Houghs Creek	

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0222135**, Sewage. **VisionQuest National Ltd.**, Fort Charles Young, P. O. Box 168, Franklin, PA 16323-0168.

This facility is located in Sandycreek Township, **Venango County**.

Description of Proposed Activity: renewal of sewage discharge.

The receiving stream, unnamed tributary to Allegheny River, is in watershed 16G and classified for: Warm Water Fishes, Water Supply and Recreation.

The proposed effluent limits for Outfall 001, based on a design flow of 0.03 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-01 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Ultraviolet Light Intensity		Monitor and Report	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,300/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0222038**, Sewage. **Robert B. Pangallo**, R. D. 1, Box 51A, Sigel, PA 15860.

This proposed facility is located in Barnett Township, **Jefferson County**.

Description of Proposed Activity: renewal of a treated sewage discharge.

The receiving stream, unnamed tributary to Cathers Run, is in watershed 17B and classified for: High-Quality Cold Water Fishes, water supply and recreation.

The proposed effluent limits for Outfall 001, based on a design flow of 0.000400 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Total Residual Chlorine		Monitor and Report	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**PA0023949**, Sewage, **Brookhaven Borough**, 2 Cambridge Road, Brookhaven PA 19015.

This application is for renewal of a NPDES permit to discharge treated sewage from the Brookhaven Borough WWTP in Brookhaven Borough, **Delaware County**. This is an existing discharge to Chester Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.192 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	5.0		10.0
(11-1 to 4-30)	15.0		30.0
Total Residual Chlorine	0.5		1.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

**No. PA0056880**, Industrial Waste, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19058-0460.

This application is for renewal of a NPDES permit to discharge supernatant from secondary clarifiers, twice per year, each discharge approximately 0.48 million gallons in Tullytown Borough, **Bucks County**. This is an existing discharge to Delaware River via Franklin Cove.

The receiving stream is classified for warm water fish, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 003, based on an average flow of 500 gpm are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	75
pH	Within limits of 6.0—9.0 Standard Units at all times	
Iron, Total	2.0	5.0
Aluminum, Total	4.0	10.0
Manganese, Total	1.0	2.5
TRC	0.5	1.2
Turbidity		8

The EPA Waiver is in effect.

**No. PA0056421**, Sewage, **Warwick Township Water and Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929.

This application is for renewal and expansion of the NPDES permit to discharge treated sewage from the Country Crossing WWTP in Warwick Township, **Bucks County**. This is an increased discharge to Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery, migratory fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average annual flow of 0.12 mgd from issuance through completion of plant expansion are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	4.2		8.4
(11-1 to 4-30)	12.6		25.2
Nitrite & Nitrate (as N)			
(7-1 to 10-31)	6.8		13.6
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 001, based on an average annual flow of 0.32 mgd from completion of plant expansion through permit expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Nitrite & Nitrate (as N)			
(7-1 to 10-31)	9.0		18.0
Phosphorus (as P)			
(4-1 to 10-31)	0.75		1.5
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	Minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. (717) 705-4707.*

**Application No. PA 0008869**, SIC Code 2621, Industrial Waste, **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362-0500.

This facility is located in Spring Grove Borough, **York County**.

Description of proposed activity: As part of a litigation settlement, the Amendment to NPDES Permit No. PA 0008869 proposes to place an Interim effluent limitation for Color at 330 PCU Average Monthly and 440 PCU Maximum Daily and a final compliance schedule of April 15, 2004, in the permit. These are the same limitations and schedule contained in the Administrative Order issued with the NPDES permit on September 7, 2000. The Amendment also deletes Final effluent color limitations required to comply with a stream criteria of 50 PCU. A regulation change in November 2000, deleted the 50 PCU requirement and established a 75 PCU stream criteria requirement.

The receiving stream Codorus Creek is in Watershed 7-H and classified for warm water fish.

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0026808**, SIC Code 4952, Sewage, **Springettsbury Township**, 3501 North Sherman Street, York, PA 17402.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Codorus Creek in Watershed 7-H, Springettsbury Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001, for a design flow of 15 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	—	50
Total Suspended Solids	30	45	—	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.0	—	—	4.0
(11-1 to 4-30)	3.0	—	—	6.0
Total Phosphorus	2.0	—	—	4.0
Total Residual Chlorine	0.33	—	—	1.07
Free Cyanide	—	—	Monitor & Report	—
Total Nitrogen	—	—	Monitor & Report	—
Dissolved Oxygen	Minimum of 5.0 at all times			
pH	From 6.0 to 9.0 inclusive			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PAG123508, CAFO, Mason Dixon Farms, Inc.**

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Activity: An existing 2,300 dairy operation with a total 4,206.58 average AEU's.

The receiving stream, Rock Creek and Marsh Creek, is in the State Water Plan watershed 13-D and is classified for: CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

---

*Northcentral Region: Water Management Program Manager; 208 West Third Street, Williamsport, PA 17701.*

**PA0112127**, Industrial Waste SIC 0921, **Fish and Boat Commission**, 1601 Elmerton Avenue, P. O. Box 67000, Harrisburg, PA 17106-7000.

Facility Address: Fish and Boat Commission, Tylersville Fish Culture Station, R. R. 2, Box 173, Loganton, PA 17747-9734.

This proposed facility is located in Logan Township, **Clinton County**.

Description of Proposed Activity: This proposed action is for reissuance of an NPDES permit for an existing discharge from the fish culture station to Fishing Creek.

The receiving stream, Fishing Creek, is in the State Water Plan watershed 9C and is classified for: High Quality—Cold.

The proposed effluent limits for Outfall 001, are based on a design flow of.

<i>Flow</i>	<i>GPM (MGD)</i>
January	6,000 (8.63)
February	6,000 (8.63)
March	6,000 (8.63)
April	6,000 (8.63)
May	6,000 (8.63)
June	4,000 (5.75)
July	4,000 (5.75)
August	4,000 (5.75)
September	4,000 (5.75)
October	4,500 (6.47)
November	5,000 (7.2)
December	6,000 (8.63)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum<sup>2</sup></i>
CBOD <sub>5</sub>					
January	290		4	8	10
February	290		4	8	10
March	290		4	8	10
April	290		4	8	10
May	290		4	8	10
June	190		4	8	10
July	190		4	8	10
August	190		4	8	10
September	190		4	8	10
October	270		5	10	13
November	300		5	10	13
December	360		5	10	13
Total Suspended Solids					
January	430		6	12	15
February	430		6	12	15
March	430		6	12	15
April	430		6	12	15
May	430		6	12	15
June	290		6	12	15
July	290		6	12	15

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum <sup>2</sup>
August	290		6	12	15
September	290		6	12	15
October	430		8	16	20
November	480		8	16	20
December	580		8	16	20
Total Soluble Phosphorus			0.3	0.6	0.75
pH (Std. Units)		Within the range 6.0 to 9.0			
Dissolved Oxygen			M & R		
N-NH <sub>3</sub>			M & R		
Formaldehyde*			0.43	1.07	1.1
Terramycin**			M & R		
Chloramine T**		M & R			
Hydrogen Peroxide**		Nondetect			Nondetect

In addition to the effluent limits, the permit contains the following major special conditions.

\*Formaldehyde limit effective 18 months after permit effective date. Until then monitor and report (M&R). Sampling must be performed when therapeutic applications are being conducted on the raceways. This sampling shall occur to capture the maximum concentration of the application with regards to the retention time through the raceways and detention pond prior to release at outfall 001.

\*\*Conduct WETT testing to determine safe effluent level. Until then monitor and report.

Other Conditions:

1. Regular removal of solids from settling chamber.
2. Restriction on peak biomass—262,000 pounds of fish
3. Whole effluent toxicity testing for therapeutic chemicals
4. Stream bioassessment monitoring requirement

The EPA waiver is in effect.

---

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PA0043524**, Sewage, **Michael's Development Company, Inc. (Simpson Manor)**, 800 Hunter's Ridge, Brownsville, PA 15417.

This application is for renewal of an NPDES permit to discharge treated sewage from Hunter's Ridge Sewage Treatment Plant in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Dunlap Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Newell Municipal Authority.

*Outfall 001: existing discharge, design flow of mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric mean		
(10-1 to 4-30)		2,000/100 ml as a geometric mean		
Total Residual Chlorine	0.15			0.35
Dissolved Oxygen		not less than 5.0 mg/l		
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

**PA0096075**, Sewage, **Connellsville Area School District**, 125 North Seventh Street, Connellsville, PA 15425.

This application is for renewal of an NPDES permit to discharge treated sewage from Dunbar Township Elementary School Sewage Treatment Plant in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale Tributary to an unnamed tributary of the Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: McKeesport Municipal Water Authority on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 0.0125 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	7.0			14.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen		not less than 4 mg/l		
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

**PA0096814**, Sewage, **Ashbridge Oil Company, Inc.**, P. O. Box 5478, Johnstown, PA 15904-5478.

This application is for renewal of an NPDES permit to discharge treated sewage from Tri-Fuels Sewage Treatment Plant in Donegal Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Minnow Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Indian Creek Valley Water Authority on the Indian Creek (Mill Run) Reservoir.

*Outfall 001:* existing discharge, design flow of 0.0022 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen		not less than 3 mg/l		
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

### Applications Under the Pennsylvania Clean Streams Law

#### Part II Permits

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

**Industrial waste and sewerage applications under  
The Clean Streams Law (35 P. S. §§ 691.1—  
691.1001)**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WQM Permit No. 1501413.** Sewerage, **Kennett Township**, P. O. Box H, Kennett Square, PA 19348. Applicant is requesting approval for the construction and operation of a gravity and low-pressure sewer collection system and pump station to serve Bayard Estates at Longwood, a residential development located in Kennett Township, **Chester County**.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 1301403.** Sewerage, **Blue Mountain Ski Area**, P. O. Box 216, Palmerton, PA 18071.

This proposed facility is located in Lower Towamensing Township, **Carbon County**.

Description of Proposed Action/Activity: The project consists of construction of a 49,900 GPD wastewater treatment plant including treatment tank system with associated piping, pumps, blowers and appurtenances for providing complete working secondary treatment system to service ski resort.

**WQM Permit No. 1301405.** Sewerage, **Kline-Banks-McAdoo Regional Authority**, P. O. Box 14, 412 East Grant Street, McAdoo, PA 18237.

This proposed facility is located in Banks Township, Carbon County and Kline Township, **Schuylkill County**.

Description of Proposed Action/Activity: The project consists of the construction of a new wastewater treatment plant which will serve the municipalities of Kline Township, McAdoo Borough and the Villages of Audenreid and Tresckow (included in Banks Township), as well as the McAdoo Industrial Park.

**WQM Permit No. 5401401.** Sewerage, **McAdoo Borough Sewer Authority**, P. O. Box 55, McAdoo, PA 18237.

This proposed facility is located in McAdoo Borough, **Schuylkill County**.

Description of Proposed Action/Activity: The McAdoo Borough Sewer Authority will be replacing an existing combined sanitary and storm sewer with a dedicated sanitary sewer collection and conveyance system. The new system will convey the wastewater to be proposed regional wastewater treatment facility in Banks Township, Carbon County.

**WQM Permit No. 1301404.** Sewerage, **Banks Township Municipal Authority**, P. O. Box 426, Tresckow, PA 18254.

This proposed facility is located in Banks Township, **Carbon County**.

Description of Proposed Action/Activity: The proposed project is for the construction and operation of pump stations, sewers and appurtenances which will serve the Village of Tresckow and several areas in Banks Township, Carbon County.

**WQM Permit No. 1301404.** Sewerage, **Jefferson Township Sewer Authority**, R. R. 3, Box 394A, Lake Ariel, PA 18436.

This proposed facility is located in Jefferson Township, **Lackawanna County**.

Description of Proposed Action/Activity: The proposed project is to construct a sewer system in Jefferson Township. The system will discharge into the City of Scranton's sewer system and ultimately be treated by the City's Wastewater Treatment Plant. The conveyance system consists of a pump station, force mains and gravity sewers along Route 247 and Marshwood Road, that will connect to an existing sewer line in the Borough of Dunmore. The wastewater collection system to be constructed in Jefferson Township will include the following general service areas: Moosic Lakes, Jefferson Heights, Route 247, Route 348 from Happy Acres to Belair, Happy Acres, Floral Estates, Belair Acres, Cortez Road to Lake Spangenberg Road, Lake Spangenberg Road to Lake Spangenberg, Lake Spangenberg and Lake Loretta, Saco, High View Trailer Park, Golf Course, Golf Course and Wimmers Road.

**WQM Permit No. 4501403.** Sewerage, **Twin Pines Christian Camp**, 3000 Twin Pine Road, Stroudsburg, PA 18360.

This proposed facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: The proposed project is for construction and operation of a sewage treatment plant and spray irrigation system to serve the Twin Pines Christian Camp.

*Southcentral Region: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 3601404.** Sewerage, **Frey Dairy Farm, Inc.**, 2646 River Road, Conestoga, PA 17516.

This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of small flow treatment system to provide sewage disposal for restrooms in the milking parlor.

**WQM Permit No. 6701404.** Sewerage, **York Township**, 25 Oak Street, York, PA 17402-4972.

This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Authorization to enlarge the size of the Tyler Run Sanitary Sewer Interceptor serving York Township.

**WQM Permit No. 0694411 Amendment 01-1.** Sewerage, **North Heidelberg Sewer Company**, P. O. Box 477, Bernville, PA 19506.

This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to upgrade Pump Station Number 1.

Description of Proposed Action/Activity (project description)

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No 1701404.** Sewerage, **Lawrence Township Supervisors**, P. O. Box 508, Clearfield, PA 16830.

This proposed facility is located in Lawrence Township, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of existing system, pipes and manholes with update sanitary

sewer and precast concrete manholes. Application was received completed May 4, 2001, at the Northcentral Regional Office.

**WQM Permit No. 1401406.** Sewerage, **Borough of State College**, 118 South Fraser Street, State College PA 16801.

This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: Replacement of old 8-10 inch with 12 inch sanitary sewer, new stormsewer and restoration of Holly Alley. Application was received completed May 2, 2001 at the Northcentral Regional Office.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 0400202-A1**—Industrial Waste—**Aliquippa Municipal Water Authority**, 160 Hopewell Avenue, Aliquippa, PA 15001. Application for the construction and operation of a Wastewater Treatment Facility to serve the Aliquippa Municipal Water Treatment Plant located in Aliquippa Borough, **Beaver County**.

**Application No. 8775-S-A1**—Sewerage—**Clairton Municipal Authority**, 1 North State Street, Clairton, PA 15025. Application for the modification & operation of a sewage treatment plant to serve the Clairton Wastewater Treatment Plant located in the city of Clairton, **Allegheny County**.

**Application No. 1101403**—Sewerage—**Adams Township Municipal Authority**, P. O. Box 265, Sidman, PA 15955. Application for the construction and operation of a sewage pumping station and sanitary sewers to serve the Elton Heights area and the C & B Mobile Home Court located in Adams Township, **Cambria County**.

The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers Pennsylvania's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**Application No. 6501408**—Sewerage—**Allegheny Township Municipal Authority**, 136 Community Building Road, Leechburg, PA 15656. Application for the construction and operation of a sewer system with pump station to serve the Markle Road, Community Park and Watson Road Area located in Allegheny Township, Upper Burrell Township, Washington Township and Oklahoma Borough, **Westmoreland County**.

PENNVEST, which administers Pennsylvania's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2001412**, Sewerage, **Borough of Cambridge Springs**, 161 Carringer Street, Cambridge Springs, PA 16403.

This proposed facility is located in Cambridge Springs Borough, **Crawford County**.

Description of Proposed Action/Activity: This project is for a phosphorous removal system to achieve the phosphorous effluent limits.

**WQM Permit No. 6201406**, Sewerage, **Midwest Campers, Camp Stone**, 14141 Cedar Road, South Euclid, OH 44121.

This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the expansion of an existing wastewater treatment system to serve a seasonal children's camp.

**WQM Permit No. 2001410**, Sewerage, **Brad S. and Robyn S. Fuhrer**, 10643 Springboro Road, Springboro, PA 16435.

This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

**WQM Permit No. 2001411**, Sewerage, **Denise L. Seman**, 3225 Blair Avenue, Ashtabula, OH 44004.

This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

**WQM Permit No. 1001407**, Sewerage, **Jenny McKeag**, 111 Venango Trail, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

---

#### NPDES Stormwater Individual Permit

---

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager



will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**NPDES Permit PAS10 G468.** Stormwater. **Green Point Farm**, 402 Bayard Road, Kennett Square, PA 19348, has applied to discharge stormwater associated with a construction activity located in Londonderry Township, **Chester County** to Elk Creek (HQ-TSF-MF).

**NPDES Permit PAS10 G469.** Stormwater. **Green Point Farm**, 402 Bayard Road, Kennett Square, PA 19348, has applied to discharge stormwater associated with a construction activity located in Londonderry Township, **Chester County** to unnamed tributary to Elk Creek (HQ-TSF-MF).

---

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, (610) 391-9583.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q125-R	Jaindl Land Co. Fred Jaindl 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10S102	Pocono Mountains Corporate Ctr. Pocono Mountains Industries, Inc. 556 Main St. Stroudsburg, PA 18360	Monroe County Coolbaugh Township	Red Run HQ-CWF
PAS10S103	Wal-Mart Regional Distribution Center No. 6080 Wal-Mart Stores East, Inc. 2001 SE 10th St., Dept. 9562 Bentonville, AR 72716-0550	Monroe County Coolbaugh Township	Pollys Run HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**NPDES Permit PAS10 2806.** Stormwater. **Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648 has applied to discharge stormwater associated with a construction activity located in Brush Creek and Licking Creek Townships, **Fulton County** to Brush Creek (HQ-CWF) and Sindeldecker Branch (CWF).

*Fulton County Conservation District: 216 North Second Street, McConnellsburg, PA 17233, (717) 485-3547.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS102806	Department of Transportation 1620 N. Juniata St. Hollidaysburg, PA 16648	Brush Creek Township Licking Creek Township Fulton County	Brush Creek (HQ-CWF) Sindeldecker Branch (CWF)

**NPDES Permit PAS10 0081.** Stormwater. **Octoraro Watershed Association**, has applied to discharge stormwater associated with a construction activity located in Colerain and Little Britain Township, **Lancaster County** to West Branch Octoraro Creek (HQ-CWF-MF).

*Lancaster County Conservation District: 1383 Arcadia Road Rm. 6, Lancaster, PA 17601, (717) 299-5361.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10O081	Octoraro Watershed Association	Colerain Township Little Britain Township Lancaster County	West Branch Octoraro Creek (HQ-CWF-MG)

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit PAS10 S10F097**, Stormwater. **The Green Hotel Association, c/o HAMCO**, 240 S. Pugh St. Suite A, State College, PA 16801 has applied to discharge stormwater associated with a construction activity located in College Township, **Centre County** to Thompson Run, HQ-CWF.

*Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-8796.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10F097	Hilton Garden Inn The Green Hotel Assoc. c/o HAMCO 240 S. Pugh St., Suite A State College, PA 16801	College Township Centre County	Thompson Run HQ-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit PAS103119**, Stormwater. **Department of Transportation**, P. O. Box 429, Route 286 S, Indiana, PA 15701 has applied to discharge stormwater associated with a construction activity located in East Wheatfield Township, Indiana County and Jackson Township, **Cambria County** to UNT to Blacklick Creek/CWF and Findley Run/HQ-CWF.

*Indiana County Conservation District: USDA Service Center, 1432 Route 286 Hwy. E; (724) 463-8547.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS103119	Department of Transportation P. O. Box 429 Route 286 S Indiana, PA 15701	Indiana County East Wheatfield Cambria County Jackson Township	UNT to Blackcreek/ CWF and Findley Run/ HQ-CWF

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit PAS104106**, Stormwater. **Catalyst Energy, Inc.**, 117 Radcliff Drive, Pittsburgh, PA 15237-3384 has applied to discharge stormwater associated with a construction activity located in Lafayette Township, **McKean County** to Libby Run (HQ-CWF) and Thundershower Run (HQ-CWF).

**NPDES Permit PAS104107**, Stormwater. **East Resources, Inc.**, P. O. Box 279, 51 Main Street, Allegany, NY 14706 has applied to discharge stormwater associated with a construction activity located in Hamilton Township, **McKean County** to Windfall Run (HQ-CWF), Kinzua Creek (CWF), and unnamed tributaries to Kinzua Creek (HQ-CWF).

**NPDES Permit PAS104108**, Stormwater. **Weinsz Oil & Gas, Inc.**, P. O. Box 2771, North Canton, OH 44720 has applied to discharge stormwater associated with a construction activity located in Lafayette Township, **McKean County** to unnamed tributaries of Lewis Run (HQ-CWF).

## SAFE DRINKING WATER

### Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 0901510**, Public Water Supply.

Applicant	<b>Upper Makefield Township</b>
Township	Makefield
Responsible Official	Richard Gestrich 1076 Eagle Road Newtown, PA 18940
Type of Facility	Public Water Supply System
Consulting Engineer	Carroll Engineering Corporation 949 Easton Road Warrington, PA 18976
Application Received Date	May 4, 2001
Description of Action	Upgrade to the Heritage Hills existing water system. The project includes construction of Well ARB-1, installation of a storage tank and services pumps. Modifications to the chlorination system and telemetry.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2801507**, Public Water Supply.

Applicant	<b>Lincoln Utilities Incorporated</b>
Municipality	Antrim Township
County	<b>Franklin</b>
Responsible Official	Charles A Rine, Acting Secretary/Treasurer 643B East Baltimore Street Greencastle, PA 17225
Type of Facility	Public Water Supply
Consulting Engineer	Gene C Koontz, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	April 30, 2001
Description of Action	A Construction Permit Application for proposed modifications to existing water treatment facilities. Modifications will include installation of pressure filters, chemical feed equipment and chlorine disinfection to meet the requirements of the PA Filter Rule.

**Permit No. 3801505**, Public Water Supply.

Applicant	<b>Myerstown Water Authority</b>
Municipality	Myerstown Borough
County	<b>Lebanon</b>
Responsible Official	Roger T Karsnitz, Chairperson 101 East Washington Avenue Myerstown, PA 17067
Type of Facility	Public Water Supply
Consulting Engineer	Jennifer I Kintzer, P.E. Great Valley Consultants 75 Commerce Drive Wyomissing, PA 19610
Application Received Date	May 7, 2001
Description of Action	Construction of the West Washington Avenue booster pumping station to serve the retirement community of Arbogate and provide service to areas within Jackson Township.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 2601501**, Public Water Supply.

Applicant	<b>Indian Creek Valley</b> P. O. Box 486 2068 Indian Head Road Indian Head, PA 15446-0486
[Township or Borough]	Stewart Township, Ohioypyle Borough
Responsible Official	Kerry Witt, Manager
Type of Facility	Public water supply
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	May 9, 2001
Description of Action	Construction of two pump stations, two water storage tanks and an interconnection with Ohioypyle Borough.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 6101501**, Public Water Supply.

Applicant	<b>Clintonville Borough Sewer &amp; Water Authority</b> P. O. Box 292 Clintonville, PA 16372
Township or Borough	Clintonville Borough, <b>Venango County</b>
Responsible Official	Raeman Schaeffer
Type of Facility	Public Water Supply

Consulting Engineer Joseph L. Gray  
Gray-Warnick Engineering  
662 West New Castle Road  
Butler, PA 16001

Application Received Date May 8, 2001

Description of Action Install pressure booster pump and flocculation and sedimentation facilities.

**Permit No. 2701501**, Public Water Supply.

Applicant **Tionesta Borough**  
P. O. Box 408  
Tionesta, PA 16353-0408

Township or Borough Tionesta Borough, **Forest County**

Responsible Official Colleen M. Call

Type of Facility Public Water Supply

Consulting Engineer David A. Johnson, D.A.  
Johnson & Associates  
110 E. Washington St.  
P. O. Box 11  
Corry, PA 16407

Application Received Date May 4, 2001

Description of Action Development of new well #3 as backup for Wells # 1 and # 2.

**MINOR AMENDMENT****Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Application No. N/A**, Minor Amendment.

Applicant **Keystone Job Corps Center**

Township or Borough Butler Twp., **Luzerne County**

Responsible Official James Paulaconis

Type of Facility Public Water System

Application Received Date April 26, 2001

Description of Action Change of Corrosion Control Chemical

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Application No. Minor Amendment**

Applicant **Consumers Pennsylvania Water Company**

Township Coal Township, **Northumberland County**

Responsible Official Richard T. Subasic  
Consumers Pennsylvania Water Company  
Roaring Creek Division  
204 East Sunbury Street  
Shamokin, PA 17872-4859

Type of Facility Public Water Supply

Consulting Engineer CET Engineering Services  
321 Washington Street  
Huntingdon, PA 16652

Application Received Date May 9, 2001

Description of Action Painting the Aristes Water Tank and four pipe bridges.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 0201503**, Minor Amendment.

Applicant **Municipal Authority of the Borough of Oakmont**  
P. O. Box 73  
721 Allegheny Avenue  
Oakmont, PA 15139

[Township or Borough] West Deer Township

Responsible Official John Dunlap, General Manager

Type of Facility	Water treatment plant
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Application Received Date	May 8, 2001
Description of Action	Install 12" water line extension, meter pit and emergency interconnect with Hampton Water Authority.

*Northwest Region: Water Supply Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 361W2-T2-MA2**, Minor Amendment.

Applicant	<b>Millcreek Township Water Authority</b> 3608 West 26th St. Erie, PA 16505
Township or Borough	Millcreek Township, <b>Erie County</b>
Responsible Official	George Riedesel, Manager
Type of Facility	Public Water Supply
Consulting Engineer	Craig Palmer, Consoer Townsend Envirodyne Engineers, Inc. 155 West 8th St. Erie, PA 16501
Application Received Date	May 2, 2001
Description of Action	Water line extension to Sterrettania Road and Greeley Avenue.

**Application No. 6200501-MA1**, Minor Amendment.

Applicant	<b>Youngsville Borough</b> 40 Railroad St. Youngsville, PA 16371
Township or Borough	Youngsville Borough, <b>Warren County</b>
Responsible Official	Ronald L. Bosworth, Borough Manager
Type of Facility	Public Water Supply
Consulting Engineer	Allen R. Vanderpoel, P.E. E&M Engineers and Surveyors 24 Derrick Rd. Bradford, PA 16701-3350
Application Received Date	May 3, 2001
Description of Action	Change water chlorination treatment from gas to liquid.

**HAZARDOUS SITES CLEAN-UP**  
**Under the Act of October 18, 1988**

**Notice of Interim Response**  
**Boldan Landfill**

**Penn Township, Westmoreland County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), is proposing a response action for the Boldan Landfill. The Boldan Landfill is located at the end of Bolen Lane in Penn Township, Westmoreland County. The Boldan Landfill consists of 118 acres of abandoned landfill. Boldan Landfill received both industrial and municipal waste from 1958 to 1970. The Department will hold a public hearing concerning the proposed action on June 27, 2001, in the Harrison Room, Penn Township, Westmoreland County at 7 p.m.

An unknown quantity of industrial waste was dumped or buried at the site. Several exposed drums containing various wastes are present at the site. Adjacent to the exposed drums, there are several mounded areas that are suspected to contain numerous additional drums. Two unnamed tributaries border the site and receive flow from several leachate seeps originating in the landfill. Several

sampling events were conducted at the site with hazardous contaminants detected in the soil and surface water. Contaminants are leaving the site via the leachate seeps to the unnamed tributaries. The Boldan Landfill currently poses a substantial threat to public health, safety and the environment.

The Department has considered several alternatives for a response at the site including:

1. No action;
2. Restricting the site; and
3. Conducting an investigation

The Department has determined that conducting a further investigation at the site is the appropriate alternative. The Department chose this alternative because it complies with section 501(a) of the HSCA and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are necessary at the site to protect human health and the environment. The Department's proposed action is intended to fully characterize the site and enable the Department to determine the most appropriate method to remediate the site.

This notice is being provided under section 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from May 26, 2001, until August 24, 2001. Persons may submit written comments into the record during this time only, by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222, or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on Wednesday, June 27, 2001, at 7 p.m., at the Harrison Room, 1010 Mill Street, Harrison City. Persons wishing to present comments must register with Betsy Mallison before June 25, 2001, by telephone at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Philadelphia Eagles Stadium & Parking Areas,** City of Philadelphia, **Philadelphia County.** John C. Volk, P.E., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422-1972, on behalf of City of Philadelphia, Philadelphia Authority for Industrial Development, and its agent Philadelphia Industrial Development Corp. c/o Patrick O'Neill, City of Philadelphia Law Department, 1515 Arch St., 16th Floor, Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and solvents; and site groundwater contaminated with lead, heavy metals, polycyclic aromatic hydrocarbons and solvents. The applicant proposes to remediate the site to meet Site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on May 9, 2001.

**Sunoco, Inc. (R&M) Philadelphia Refinery—Girard Point Processing Area,** City of Philadelphia, **Philadelphia County.** James R. Oppenheim, P.E., Sunoco, Inc., 3144 Passyunk Ave., Philadelphia, PA 19145, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, solvents, pesticides and MTBE; and site groundwater contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and MTBE. The applicant proposes to remediate the site to meet Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on February 13, 2001.

**Former Flynn Property,** West Brandywine Township, **Chester County.** James H. Mulry, Mulry & Cresswell

Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, on behalf of Glenmoore Properties, Inc., 11 Basset Hunt Lane, Glenmoore, PA 19343, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Coatesville Ledger* on May 3, 2001.

**Herby's Towing and Recovery**, Upper Darby Township, **Delaware County**. Robert Byer, Jr., P.G., IT Corp., 1220 Ward Ave., Suite 300, West Chester, PA 19380, on behalf of Margaret Cacciutti, 263 Hoffecker Road, Phoenixville, PA 19460, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and site groundwater contaminated with lead, BTEX, and petroleum hydrocarbons. The applicant proposes to remediate the site to meet Statewide Health and Site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 30, 2001.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**P.I.D.A. (Branch Motor Express)**, Delaware Township, **Northumberland County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of its client P.I.D.A. (Branch Motor Express), 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225 has submitted a Notice of Intent to Remediate soil contaminated with heavy metals, BTEX and ethylene glycol and groundwater contaminated with BTEX and naphthalene. The applicant proposes to remediate the site to meet a combination of Site-specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Milton Standard Journal*, on February 14, 2001.

**Dominion (formerly CNG) Transmission—Harrison Valley**, Harrison Township, **Potter County**. Dominion Resource Services, Inc., 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate soil contaminated with Lead and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Potter Leader Enterprise* on April 25, 2001.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Stackpole Center—South West Area**, 201 Stackpole Street, City of St. Marys, **Elk County**, has submitted a notice of intent to remediate soil, groundwater and surface water contaminated with lead, heavy metals, BTEX, PAHs, PHCs and solvents. The applicant proposes to remediate the site to meet the site specific standard. A summary of the notice of intent to remediate was reported to have been published in the *Daily Press* on April 27, 2001.

**Stackpole Center—North East Area**, 201 Stackpole Street, City of St. Marys, **Elk County**, has submitted a notice of intent to remediate soil, groundwater and surface water contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The applicant proposes to remediate the site to meet the site specific standard. A summary of the notice of intent to remediate was reported to have been published in the *Daily Press* on April 27, 2001.

## DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR002D004. Earth Products, Inc.**, 289 Cornish Road, Lake Lynn, PA 15451. Description: the beneficial use of wastewater treatment sludge generated by paper mills as soil additive to establish or reestablish agricultural productivity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mines sites. The application for determination of applicability was received by the Division of Municipal and Residual Waste on May 7, 2001.

Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### New Sources and Modifications

The Department of Environmental Protection (DEP) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that DEP has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Re-

gional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the Act.

## OPERATING PERMITS

### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code §§ 127.521 and 127.424, notice is hereby given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V Operating Permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management using the appropriate Regional Office telephone number noted. For additional information, contact the appropriate Regional Office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the Regional Office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**15-00013: Huhtamaki Flexibles Inc., formerly Graphic Packaging Corp.** (2400 Continental Boulevard, Malvern, PA 19355) in Tredyffrin Township, **Chester County**. The facility's major emission points include: two boilers, a Comco Flexographic/Gravure Print-

ing Press, a No. 8 Zerand and a W & H Olympia Flexographic Printing Presse and a cold cleaner, which emit major levels of volatile organic compounds. The Title V Operating Permit, Revision 1, was revised to include the Comco flexographic/gravure printing press, conditions for a Plantwide Applicability Limit and issues to resolve an appeal.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Kanu Patel, Facilities Permitting Chief, (717) 705-4702.*

**67-05005: PPL Brunner Island, LLC** (Two North Ninth Street, Allentown, PA 18101) for a revision to the facility's Title V Operating Permit for the Brunner Island Electric Generating Plant in East Manchester Township, **York County**. The original Title V Operating Permit, which was issued on February 14, 2000, will be revised in accordance with 25 Pa. Code § 127.542. The United States Environmental Protection Agency (EPA) has made a determination that the new SO<sub>2</sub> limits contained in the permit were not approved as part of Pennsylvania's State Implementation Plan (SIP). Therefore, the SO<sub>2</sub> limits that were approved by the EPA under the old SIP will be incorporated into the revised Title V Operating Permit. This revision to the SO<sub>2</sub> limits will reflect a more stringent requirement than those contained in the original permit. The revised permit will also include the terms and conditions for the Flue Gas Conditioning System and Rotary Coal Car Dumper installed under Plan Approval Nos. 67-05005A and 67-05005B, respectively. The revised permit will be opened for the review of the SO<sub>2</sub> limits contained in the site level requirements of Section C, and the sources covered under the above Plan Approvals.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**49-00033: Watsonstown Brick Co.** (P. O. Box 68 Watsonstown, PA 17777) for their brick manufacturing facility in Delaware Township, **Northumberland County**. The Title V Operating Permit was issued on October 26, 2000. The revision of this permit is to incorporate terms and conditions from Plan Approval 49-309-008D, which authorized construction of shale crushing and milling equipment at this facility. This operation has the potential to emit 19.02 tons per year of particulate matter. A fabric collector and a water spray system control the particulate emissions.

**Applications received and intent to issue operating permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**40-318-024A: Inline Fiberglass America Limited** (Humboldt Industrial Park, R. R. 1, Box 4098, Hazleton, PA 18201) for operation of a resin mix and storage area ventilation system in Hazle Township, **Luzerne County**.

**40-318-025A: Inline Fiberglass America Limited** (Humboldt Industrial Park, R. R. 1, Box 4098, Hazleton, PA 18201) for operation of a fiberglass window manufacturing operation and off-line paint system with associated air cleaning device in Hazle Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*



**06-03062: Theo C. Auman, Inc.** (247 Penn Street, Reading, PA 19601) for a Natural Minor Operating Permit for a human crematory controlled by a secondary chamber in the City of Reading, **Berks County**.

**28-03025: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) for a Natural Minor Operating Permit for the Shippensburg Plant in Southampton Township, **Franklin County**.

**67-03101: Southern Die Casters** (P. O. Box 178, Shrewsbury, PA 17361) for a Natural Minor Operating Permit for die caster manufacturing in Shrewsbury Borough, **York County**.

**67-05075: York Memorial Hospital** (P. O. Box 15118, York, PA 17405) for a Synthetic Minor Operating Permit for its hospital in Spring Garden Township, **York County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00680: Georgetown Sand and Gravel, Inc.** (Third Street Ext. P. O. box 127, Georgetown, PA 15043) for operation of Sand and Gravel Processing at Georgetown Plant in Greene Township, **Beaver County**.

#### PLAN APPROVALS

#### Applications received for plan approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-03122A: Allegheny Energy Resources, Inc.** (301 Fifth Avenue, Room 307, McKeesport, PA 15132) for construction of a landfill gas utility flare at the Chester County Solid Waste Authority's Lancaster Landfill in Caernarvon Township, **Lancaster County**.

**36-05082A: Clark Filter, Inc.** (3649 Hempland Road, Lancaster, PA 17601) for construction of a curing oven in West Hempfield Township, **Lancaster County**.

**36-05008A: Tyson Foods, Inc.** (403 South Custer Avenue, Lancaster, PA 17557) for construction of two (2) vegetable oil fryers each controlled by a scrubber in Earl Township, **Lancaster County**.

**67-05092: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402) for construction of coffee roasters (Roasters 4A and 4B) each controlled by a catalytic afterburner and a cyclone at the York Roasting Plant in East Manchester Township, **York County**.

**67-05092A: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402) for construction of a green coffee bean cleaning station (Station 2) controlled by a cartridge collector at the York Roasting Plant in East Manchester Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**19-317-022B: Melick Aquafeed, Inc.** (139 South First Street, Catawissa, PA 17820) for construction of a fish food pellet pneumatic conveying system and associated air cleaning device (a cyclone collector) in Catawissa Borough, **Columbia County**.

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, P. O. Box 3514, Williamsport, PA 17701) for construction of an automobile/metal shredding operation consisting of one Harris Waste Management Model 80-115 shredder and associated feed chute dual roll feeder, discharge vibrator, discharge hood, first transfer conveyor, magnetic separation system, non-ferrous conveyor, second transfer conveyor, Z-box product cleaning column, and ferrous radial stacking conveyor; the air contaminant emissions from which shall be controlled by a Martin Marietta Magnesia Specialties Inc. Dust Buster foam injection system (on the shredder) and a Texas Shredder, Inc. model TSI 7'6" cyclone (on the Z-box product cleaning column) at their facility in the City of Williamsport, **Lycoming County**.

The proposed shredder will emit up to 6.5 tons of particulate matter (PM) per year, all of which may be particulate matter less than or equal to 10 microns in effective aerodynamic diameter (PM-10).

The Department of Environmental Protection has determined that the proposed equipment will comply with all applicable regulatory requirements pertaining to air contaminant sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department of Environmental Protection consequently intends to issue a plan approval for the construction of the respective equipment.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the equipment. These conditions are intended to assure proper operation of the equipment as well as compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter contained in the exhaust of the cyclone to the atmosphere shall not exceed 0.02 grain per dry standard cubic foot of exhaust gas volume.

2. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the exhaust of the cyclone to the atmosphere shall not result in visible air contaminant emissions in a manner that the opacity of the emission is either of the following:
  - (a) equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour
  - (b) equal to or greater than 30% at any time

3. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible fugitive air contaminant emissions from the shredder, feed chute dual roll feeder, discharge vibrator, discharge hood, first transfer conveyor, magnetic separation system, nonferrous conveyor, second transfer conveyor, Z-box product cleaning column or ferrous radial stacking conveyor (other than those determined by the Department to be of minor significance).

4. No gasoline tanks or other volatile organic compound containing materials shall be processed in the shredder.

5. If at any time the Department has cause to believe that air contaminant emissions from the aforementioned sources may be in excess of the limitations specified in any condition herein or specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Chapters 121—145, the permittee shall be required to

conduct whatever tests are deemed necessary by the Department to determine the actual emission rates, in accordance with the provisions of 25 Pa. Code Chapter 139, where applicable, and any restrictions or limitations established by the Department.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00711A: AES Hoytdale, LLC** (394 Frankfort Road, Monaca, PA 15061) for construction of Combined Cycle Combustion Turbines at Hoytdale Electric Generating Facility in Big Beaver Borough, **Beaver County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Wendra Verma, New Source Review Chief, (814) 332-6940.*

**37-243B: The International Metals Reclamation Co.—INMETCO** (245 Portersville Road, P. O. Box 720, Ellwood City, PA 16117) for installation of Low NOx Burners (LNB) and computerized furnace controls on the existing rotary hearth furnace in Ellwood City, **Lawrence County**. INMETCO is a Title V facility.

**43-324A: John Flynn Funeral Home and Crematory** (2630 East State Street, Hermitage, PA 16148) for construction of a human cremation retort in the City of Hermitage, **Mercer County**.

**25-930A: Metro Machine Corp.—Erie Division** (Foot of Holland Street, Erie, PA 16501-07306) for construction of an automated paint line consisting of three components: an infrared preheat cabinet, an abrasive blasting cabinet with brush and blow off and dust collector, and a paint spray booth at its shipbuilding and ship repair facility in the City of Erie, **Erie County**.

#### PLAN APPROVALS

**Intent to issue plan approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0191B: Merck and Co., Inc.** (351 North Sumnertown Pike, West Point, PA 19486) for installation of a 100 KW natural gas-fired emergency generator at their Upper Gwynedd Office Complex in Upper Gwynedd Township, **Montgomery County**. This facility is a non-Title V facility. Emissions of criteria pollutants are less than one ton per year. The emergency generator will be restricted to an operation of 500 hours 12-month rolling sum. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-05028: Allegheny Energy Supply Co., LLC** (4350 Northern Pike, Monroeville, PA 15146-2841) for construction of the Chambersburg Combustion Turbine Power Station in Guilford Township, **Franklin County**. The facility is subject to the applicable requirements of 25 Pa. Code, Chapter 127 (related to construction, modification, reactivation and operation of sources), 40 CFR Part 60, Subparts GG and Kb, (related to standards of performance for turbines and storage tanks), 40 CFR Parts 72,

73, 75 and 77 (related to acid rain), and 25 Pa. Code, §§ 123.102—123.120 and Chapter 145 (related to the NOx budget program). The Department believes that the facility will meet these requirements subject to the following Plan Approval conditions related to allowable emission limitations, testing, monitoring, recordkeeping, and reporting requirements.

It is proposed that the following conditions be placed in the Plan Approval:

1. The facility is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met:

(a) The Department must receive written notice from Allegheny Energy Supply Company, LLC of the completion of construction and Allegheny Energy Supply Company, LLC's intent to commence operation at least 5 working days prior to the completion of construction. The notice must state when construction will be completed and when Allegheny Energy Supply Company, LLC expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shutdown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from Allegheny Energy Supply Company, LLC under subpart a.

(d) Allegheny Energy Supply Company, LLC may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

(e) The notice submitted by Allegheny Energy Supply Company, LLC under subpart a, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the commencement of operation.

3. This plan approval authorizes Allegheny Energy Supply Company, LLC to construct the Chambersburg Combustion Turbine Power Station, located in Guilford Township, Franklin County.

4. Sources at this facility will include two simple cycle combustion turbines, General Electric Model LM 6000 PC, rated at 424.6 mmBtu/hr maximum and 44 MW each. Each is to be equipped with a water injection system for the control of NOx emissions, and a 75-foot exhaust stack.

5. Supporting equipment at this site will include electric gas compressors, a 500,000-gallon low-sulfur No. 2 fuel oil storage tank, approximately 23 small (less than 10,000-gallon) storage tanks for various low-vapor pressure liquids like turbine oils, insulating oils, refrigerants, used oil and demineralized water, and three underground storage tanks for wastewater and oily wastewater. The

500,000-gallon storage tank shall not be installed until the appropriate approvals have been received from the Tanks Section of the Department.

6. All equipment at this facility shall be equipped with manufacturer-designed silencers and/or mufflers. The turbines, generators and gas compressors shall be enclosed in structures designed by the manufacturer to minimize sound levels. The facility shall be operated in accordance with Guilford Township Ordinance No. 93-11—An Ordinance Defining and Regulating Noise in Guilford Township, Franklin County, or obtain a variance from Guilford Township.

7. Total consumption of natural gas by the turbines per 12-consecutive month period shall not exceed 1,795,000,000 cubic feet when fired in conjunction with distillate oil, and shall not exceed 2,139,000,000 cubic feet when fired solely on natural gas. Total unit-operating hours per 12-consecutive month period shall not exceed 4,000 hours of natural gas combustion when fired in conjunction with distillate oil, and shall not exceed 4,765 hours of natural gas combustion when fired solely on natural gas.

8. Total consumption of low-sulfur distillate fuel by the turbines together shall not exceed 1,536,000 gallons per 12-consecutive month period. Total unit-operating hours shall not exceed 450 hours of distillate oil combustion per 12-consecutive month period.

9. The sulfur content of the low-sulfur distillate oil shall not exceed 0.05 weight percent.

10. NO<sub>x</sub> emissions from the turbines shall be limited to 25 ppmvd at 15% O<sub>2</sub> while firing natural gas and 42 ppmvd at 15% O<sub>2</sub> while firing low-sulfur distillate oil.

11. Pollutant emissions from the turbines shall not exceed the following while combusting natural gas for 4,000 hours per consecutive 12-month period:

NO <sub>x</sub> <sup>(a)</sup>	41.0 lbs/unit hr	82.0 tons/yr
CO <sup>(a)</sup>	57.0 lbs/unit hr	114.0 tons/yr
SO <sub>2</sub> <sup>(b)</sup>	2.5 lbs/unit hr	5.0 tons/yr
VOCs <sup>(c)</sup>	5.0 lbs/unit hr	10.0 tons/yr
PM <sub>10</sub> <sup>(c)</sup>	3.0 lbs/unit hr	6.0 tons/yr

12. Pollutant emissions from the turbines shall not exceed the following while combusting natural gas alone for 4,765 hours per consecutive 12-month period:

NO <sub>x</sub> <sup>(a)</sup>	41.0 lbs/unit hr	97.7 tons/yr
CO <sup>(a)</sup>	57.0 lbs/unit hr	135.8 tons/yr
SO <sub>2</sub> <sup>(b)</sup>	2.5 lbs/unit hr	6.0 tons/yr
VOCs <sup>(c)</sup>	5.0 lbs/unit hr	11.9 tons/yr
PM <sub>10</sub> <sup>(c)</sup>	3.0 lbs/unit hr	7.1 tons/yr

13. Pollutant emissions from the turbines shall not exceed the following while combusting distillate oil for 450 hours per consecutive 12-month period:

NO <sub>x</sub> <sup>(a)</sup>	71.0 lbs/unit hr	16.0 tons/yr
CO <sup>(a)</sup>	6.0 lbs/unit hr	1.4 tons/yr
SO <sub>2</sub> <sup>(d)</sup>	23.0 lbs/unit hr	5.2 tons/yr
VOCs <sup>(c)</sup>	1.0 lbs/unit hr	0.2 tons/yr
PM <sub>10</sub> <sup>(c)</sup>	13.0 lbs/unit hr	2.9 tons/yr

14. Pollutant emissions from the total facility shall not exceed the following:

NO <sub>x</sub> <sup>(a)</sup>	98.0 tons/yr
CO <sup>(a)</sup>	135.8 tons/yr
SO <sub>2</sub> <sup>(b), (d)</sup>	10.2 tons/yr
VOCs <sup>(c)</sup>	11.9 tons/yr
PM/PM <sub>10</sub> <sup>(e)</sup>	11.6 tons/yr

(a) Based on vendor information assuming 20°F ambient temperature and 1,100 feet elevation.

(b) Based on 2.0 grains sulfur/100 cubic feet natural gas and 435,000 standard cubic feet per hour maximum fuel usage.

(c) Based on vendor information assuming 19°F ambient temperature.

(d) Based on a maximum capacity of 424 mmbtu/hr and a fuel oil sulfur content of 0.05%.

(e) This value also includes particulate matter from the cooling tower.

15. The turbines are subject to the applicable requirements of 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines.

16. The 500,000-gallon low-sulfur distillate oil storage tank is subject to the applicable requirements of 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels.

17. In accordance with 40 CFR 60.334(a), the permittee shall install and operate a continuous emission monitoring system (CEMS) to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within ±5.0%, and must be approved by the Department.

18. The permittee shall monitor the sulfur content and nitrogen content of the fuel being fired in each turbine, in accordance with 40 CFR 60.334(b) and 60.335(e).

19. The permittee shall install, certify, maintain and operate a Department-approved CEMS in accordance with 25 Pa. Code Chapter 139, the Department's Continuous Source Monitoring Manual, 40 CFR Part 60 and 40 CFR Part 75. At a minimum, the system shall measure and record the following for each turbine:

—Nitrogen Oxide Emissions (as NO<sub>2</sub>)

—Percent Oxygen (or CO<sub>2</sub>)

—Exhaust Gas Flow

20. The permittee shall record hours of operation of each of the turbines and the amount and type of fuel consumed, on a daily basis.

21. The permittee shall comply with the applicable reporting requirements of 40 CFR 60.7, 40 CFR 60.116b(d) and 40 CFR 60.334(c).

22. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the U.S. Environmental Protection Agency and the Department of Environmental Protection at the addresses shown, unless otherwise noted:

Director, Air, Toxics and Radiation U.S. Environmental Protection Agency Region III 1650 Arch Street Philadelphia, PA 19103	Department of Environmental Protection Regional Air Quality Manager Office of Air Quality 909 Elmerton Avenue Harrisburg, PA 17110-8200
---	---

23. In accordance with 40 CFR 60.334(c), the permittee shall record daily, and shall report quarterly, in accordance with 40 CFR 60.7(c), any 1-hour period during which the average water-to-fuel ratio, as measured by the continuous water and fuel measuring system, falls below the ratio that was determined during the stack test to demonstrate compliance with NO<sub>x</sub> emission limitations. The permittee shall also report any period during which the actual fuel-bound nitrogen content exceeds the fuel-bound nitrogen content determined during the stack test to demonstrate compliance with the NO<sub>x</sub> emission limitations. The permittee shall also report any period during which the actual fuel-bound sulfur content exceeds 0.05%.

24. Compliance with the turbine emission limitations for NO<sub>x</sub> and CO while using both low-sulfur diesel fuel and natural gas shall be demonstrated through performance stack testing on each turbine.

(a) In accordance with 40 CFR 60.335(c)(2), the monitoring device required by 40 CFR 60.334 shall be used to determine the fuel consumption and to establish the water-to-fuel ratio necessary to comply with turbine NO<sub>x</sub> emission limitations at 30, 50, 75 and 100% of peak load, or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations as supplied by the turbine manufacturer.

(b) All stack testing shall be performed in accordance with 40 CFR 60.8 and 60.335, 25 Pa. Code Chapter 139, and the most recent version of the Department's Source Testing Manual.

(c) Two copies of the stack test protocol shall be submitted to the Department at least 60 days in advance of the stack test date. Stack testing shall not take place until the permittee has received written approval of the stack test protocol.

(d) The company shall notify the Department of the date and the time of the stack test at least 2 weeks prior to the tests so that an observer may be present.

(e) Four copies of the stack test results shall be submitted to the Department within 60 days of completion of the test.

(f) Stack testing shall be performed within 60 days of achieving maximum firing rate, but no later than 180 days after the initial startup.

(g) The permittee shall record all pertinent operating data during the stack test and include this data with the stack test results.

25. The combustion turbines are subject to the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments, and shall comply with all applicable provisions of that Title, including the following:

40 CFR Part 72	Permits Regulations
40 CFR Part 73	Sulfur Dioxide Allowance System
40 CFR Part 75	Continuous Emissions Monitoring
40 CFR Part 77	Excess Emissions

26. The combustion turbines are subject to the applicable requirements of the NO<sub>x</sub> Budget Program established at 25 Pa. Code §§ 123.102—123.121 and Chapter 145.

27. As per 25 Pa. Code § 127.13, if construction is not commenced within 18 months of issuance of this plan

approval, or if there is more than an 18-month lapse in construction, a new plan approval application shall be submitted.

28. The permittee shall submit a Title V Operating Permit Application within 120 days of startup.

**06-05071A: Sealed Air Corp.** (450 Riverfront Drive, Reading, PA 19602) for construction of a 29.9 million BTU boiler controlled by a low NO<sub>x</sub> burner and low sulfur fuel oil in the City of Reading, **Berks County**. The boiler will have the potential to emit 14 tons per year of sulfur oxides, 21 tons of nitrogen oxides and 6 tons per year of carbon monoxide. The source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The plan approval will be incorporated into the Title V operating permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**22-05023A: Mobil Oil Corp.** (600 Billingsport Road, Paulsboro, NJ 08066) for replacement of Vapor Recovery Unit with a Vapor Combustion Unit (VCU) that controls emissions from petroleum product Loading Rack at Harrisburg Terminal in Swatara Township, **Dauphin County**. This VCU will reduce the volatile organic compound emission rate from 80 milligram per liter to 10 milligram liter. The facility VCU emission will be kept at less than 50 tons per year. The Plan Approval and Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**34-05003A: Tedd Wood, Inc.** (Nine Birch Drive, R. R. 1, Box 104, Thompsontown, PA 17094) for three existing paint booths and installation of a new booth at the wood cabinet manufacturing facility in Delaware Township, **Juniata County**. Volatile organic compound emissions are limited to less than 50 tons/year. Hazardous air pollutant (HAP) emissions are limited to 25 tons/year for any combination of HAPs and 10 tons/year for any single HAP. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

#### **Notice of Intent to Issue a Plan Approval and Amend a Title V Operating Permit**

**10-00028H: Armstrong Cement and Supply Co.** (100 Clearfield Road, Cabot, PA 16023) for installation of a baghouse on Clinker Storage Silos No. 8-10, Transfer Belts No. 4 and 5 and Elevator No. 3 and 4 in Winfield Township, **Butler County**. The facility currently has Title V Operating Permit No. 10-00028. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. This installation will result in no air emissions increases.

### **MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsid-

ence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**19960101R. City of Philadelphia**, (21 South 12th Street, Philadelphia, PA 19107-3684), renewal of an existing anthracite surface mine operation in Union, Butler and Conyngham Townships, **Schuylkill and Columbia Counties** affecting 867.0 acres, receiving stream—Mahanoy Creek. Application received May 4, 2001.

**54683045R3. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Butler, Union and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres, receiving stream—Mahanoy Creek. Application received May 7, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**03960104. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal application received for continued reclamation of a bituminous surface mine in South Bend Township, **Armstrong County** affecting 83.6 acres. Receiving stream: Lindsay Run. Renewal application received: May 8, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**11900108.** Permit Renewal for reclamation only, **L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA 16838), for continued restoration of a bituminous surface and auger mine in Susquehanna Township, **Cambria County**, affecting 29.2 acres, receiving stream unnamed tributaries to West Branch of Susquehanna River. Application received May 7, 2001.

**56960102.** Permit Revision, **Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), to change the land use for the pre-mining land use of forestland to be restored to pastureland or land occasionally cut for hay post-mining in Paint Township, **Somerset County**, affecting 196.0 acres, receiving stream Weaver Creek to Paint Creek. Application received May 9, 2001.

#### *Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**4873SM8C. Global Stone PenRoc, LP**, (P. O. Box 1967, York, PA 17405-1967), renewal of NPDES Permit #PA0594644 in West Manchester Township, **York County**, receiving stream—unnamed tributary to Codorus Creek. Application received May 9, 2001.

## **FEDERAL WATER POLLUTION CONTROL ACT**

### **Section 401**

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of

comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E23-412. James C. Watson**, 67 Sweetwater Road, Glen Mills, PA 19342-1719, Thornbury Township, **Delaware County**, ACOE Philadelphia District.

To construct, operate and maintain a reservoir by excavating a 130-foot x 70-foot pool to a maximum depth of 8-feet. The application includes a request for an environmental assessment to construct a 3-foot high and 40-foot wide on-stream nonjurisdictional concrete dam impacting 150 linear feet of an unnamed tributary of Chester Creek (TSF). The site is located approximately 3,000 feet northeast of the intersection of Sweet Water Road and Creek Road (Media, PA-USGS Quadrangle, N: 9.30 inches, W: 15.20 inches).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E39-398. Department of Transportation, District 5-0**, 1713 Lehigh Street, Allentown, PA 18101, in Lower and Upper Macungie and South Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing structure and to construct and maintain a twin cell concrete box culvert depressed 1 foot below streambed elevation, having cell dimensions of 25' x 7' (7,600 x 2,100) across Schaefer Run (HQ-CWF); to construct and maintain a 4-span concrete I-beam bridge, having normal spans averaging 147.5' (45,000) and an average underclearance of approximately 49 feet (15,000) across Schaefer Run; to construct and maintain a 6-span concrete I-beam bridge, having normal spans averaging 95.5' (29,100) and an average underclearance of approximately 28' (8,500) across Schaefer Run; to construct and maintain a channel change having a length of approximately 289' (88,000) in Schaefer Run; to remove two existing structures and to construct and maintain a 499 feet (152,000) long single cell concrete box stream enclosure depressed 1 foot below streambed elevation, having cell dimensions of 18' x 7' (5,400 x 2,400) in a tributary to

Schaefer Run (HQ-CWF); to construct and maintain a 440 feet (133,500) long twin cell box stream enclosure depressed 1-foot below streambed elevation, having cell dimensions of 23' x 7' (7,000 x 2,100) in Iron Run (HQ-CWF); and to place fill in 1.0 acre (0.39 hectare) of wetlands within the Little Lehigh Creek Watershed (HQ-CWF) for the purpose of constructing the S.R. 0222 bypass. (Allentown West, PA Quadrangle N: 11.7 inches; W: 12.0 inches).

**E58-241. Monteforte Enterprises**, R. R. 2, Box 234, New Milford, PA 18834-9614, in New Milford Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place fill in 0.02 acre of wetlands, to expand an existing pond and to impact 950 linear feet of a tributary to Nine Partners Creek (HQ-CWF) for the development of a hotel, conference center and retail center on a 16-acre site. The project is located on the west side of T-560, approximately 0.1 mile west of S.R. 0081/S.R. 0848 interchange. (Harford, PA Quadrangle N: 13.3 inches; W: 8.0 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E36-708. Kevin Lapp, Burkwood Associates**, 255 Butler Avenue, Lancaster, PA 17601 in East Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain (1) the culvert at Cameron Drive having a span of 7 feet with an underclearance of 3 feet at the channel of an unnamed tributary to Little Conestoga Creek (2) a utility line crossing under the streambed of same stream; and; (3) to fill in 0.57 acre of wetland in order to develop Chaddsford residential development located north of Stevens Street (T-707) just west of East Petersburg Borough (Lancaster, PA Quadrangle N: 18.7 inches; W: 16.1 inches and N: 18.8 inches; W: 16.6 inches). The applicant is required to replace 0.57 acre of replacement wetlands.

**E22-428. Gene Bendigo, Bendigo Airport**, 11079 Clarks Valley Road, Tower City, PA 17980 in Rush Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain two stormwater basin outfalls and twin 200-foot stream enclosures to accommodate FAA safety design standards for the reconstruction of the Bendigo Airport runway across tributaries to Little Wiconisco Creek (CWF) (Tower City, PA Quadrangle N: 10.3 inches; W: 8.8 inches and N: 10.9 inches; W: 8.0 inches).

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1343. Oxford Development Corporation**, One Oxford Centre, Level 4, Pittsburgh, PA 15219. Pine Township, **Allegheny County**, ACOE Pittsburgh District.

To dredge a deminimis wetland (PEM) within the Wexford Run (CWF) watershed for the purpose of constructing a stormwater detention basin as part of the Village of Pine development (Mars, PA Quadrangle N: 1.3 inches; W: 7.2 inches).

**E03-398. Wayne Township**, R. D. 1, Dayton, PA 16222. Wayne Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a single 12.5-foot x 6.0-foot corrugated metal box culvert in Scrubgrass Creek (CWF) for the purpose of improving transportation safety and roadway standards.

The project is located on Township Road T-633 (Distant, PA Quadrangle N: 4.6 inches; W: 14.87 inches).

**E11-289. Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. Clearfield Township, **Cambria County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a 24-foot long, box culvert having a normal clear span of 18 feet and an underclearance of 6 feet (invert depressed 1 foot) in Burgoon Run (CWF), located on S.R. 1019, Segment 009, Offset 0000. Also, to temporarily place and maintain fill in 0.002 acre of palustrine emergent wetlands. The wetlands have been replaced at the Cambria Advance Wetland Compensation site at State Game Lands No. 108. The project includes construction of a temporary stream channel and a pipe during construction. (Ashville, PA Quadrangle N: 21.0 inches; W: 11.5 inches).

**E32-404-A1. Department of Transportation, Engineering District 10-0**, P. O. Box 429, Route 286 South, Indiana, PA 15701-0429. Indiana Borough, **Indiana County**, ACOE Pittsburgh District.

To amend permit E32-404 to remove the existing structure and to construct and maintain a 50-foot long box culvert having a normal clear span of 14 feet and an underclearance of 5.5 feet (invert depressed 1.0 foot) in Whites Run (CWF) located on S.R. 286 (Oakland Avenue) at a point between Washington and Maple Streets (Indiana, PA Quadrangle N: 21.2 inches; W: 5.4 inches).

**E65-778. Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15668-1026. Municipality of Murrysville, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain an 8.0-foot x 4.0-foot concrete box culvert in an unnamed tributary to Haymakers Run (HQ-CWF) for the purpose of improving transportation safety and roadway standards. (Murrysville, PA Quadrangle N: 16.9 inches; W: 8.75 inches).

**E65-779. City of Lower Burrell, Public Works Department**, 2800 Bethel Street, Lower Burrell, PA 15068-3227. City of Lower Burrell, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structures and to construct and maintain a single span bridge having a normal span of 40 feet and an underclearance of 7.5 feet across Chartiers Run (TSF) and two pedestrian bridges each having a single normal span of 40.0-foot and an underclearance of 8.0-foot across Chartiers Run (TSF) for the purpose of improving public safety and enhancing the Wolf Pak Park located off of Wildlife Lodge Road. (New Kensington, East PA Quadrangle N: 17.49 inches; W: 12.87 inches).

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-332. Regional Industrial Development Corporation**, RIDC Suite 500, 425 6th Avenue, Pittsburgh, PA 15219. Thorn Hill Industrial Park, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 9.0 inches; W: 15.0 inches).

1) To conduct the following activities associated with the development of Thorn Hill Industrial Park:

2) The placement of fill in a total of 1.09 acres of wetlands (PEM/PSS/PFO)

3) The enclosure of an unnamed tributary to Brush Creek (WWF) for the construction and maintenance of a 14-foot x 9-foot x 140-foot precast box culvert.

4) The removal of an approximately 25-foot long culvert and associated abandoned roadway located approximately 430 feet downstream of the proposed culvert to mitigate proposed stream impacts.

The construction of 1.10 acres of wetlands to mitigate proposed wetland impacts.

**E10-336. Northcor Development, Inc.**, 15 Rock Spring Road, Delmont, PA 15626. Westerman Estates, in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 16.5 inches; W: 13.65 inches).

To fill a total of 0.2 acre of wetlands for the construction of a road associated with the development of a residential subdivision located approximately one half mile from Meridian off of Sahara Drive. This proposed activity was undertaken in April 2000, prior to obtaining a permit; wetland replacement will be \$5000.00 to the Pennsylvania Wetland Replacement Fund.

**E42-278. McKean County**, McKean County Courthouse, Smethport, PA 16749. Boyer Crossing Bridge, in Liberty Township, **McKean County**, ACOE Pittsburgh District (Roulette, PA Quadrangle N: 7.4 inches; W: 3.5 inches).

To improve and maintain the existing 103-foot single span steel truss Boyer Bridge across Allegheny River (CWF) including the replacement of the deteriorated timber deck with a new timber deck and the reduction of the degree of slope leading to the bridge to lessen impact forces, located approximately one mile west of Burtville.

#### ENVIRONMENTAL ASSESSMENTS

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**EA41-0003NC. U.S. Fish and Wildlife Service**, 315 S. Allen St., Suite 322, State College, PA 16801-4850. Bear Creek restoration Project, Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District (Barbours Quad. N: 1.7 inches; W: 5.1 inches)

To stabilize the channel within a 10,800 feet reach of Bear Creek (HQ-CWF) by installing a series of Cross Vanes, J-hook rock vanes, single rock vanes, vortex rock weirs and natural material revetment. The purpose of the project is to control bank erosion, reduce sediment load and improve fish habitat. The work area extends from the confluence of Bear Creek and Shingle Run, downstream to the confluence of Bear Creek and Loyalsock Creek. The lower end of the project is located at the village of Barbours.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**EA10-016NW. Aquascape Wetland and Environmental Services**, 114 Deer Road, Boyers, PA 16020. SR 89 Passive Treatment System, in Washington Township, **Butler County**, ACOE Pittsburgh District (Hilliards, PA Quadrangle N: 18.5 inches; W: 14.0 inches).

To construct and maintain a passive treatment system for the treatment of abandoned mine discharge (AMD) that has severely degraded a wetland that discharges into Slippery Rock Creek approximately 500-feet to the north. Proposed activities include the construction of a vertical flow pond, a flush pond/settling pond, and an approximately 1-acre treatment wetland; and the disturbance of approximately 1 acre of the severely degraded AMD-



impacted wetland area. The project is located in State Game Lands No. 95 approximately 0.76 mile southwest of Higgins Corner.

## WATER QUALITY CERTIFICATIONS REQUESTS

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

### Requests for Certification Under Section 401 of the Federal Water Pollution Control Act

The following requests have been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the 1972 amendments to the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments/suggestions/objection which are submitted in writing 30 days of the date of this notice. Comments should be submitted to the Department at the address indicated before each of the following requests for certification. All comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments/objections are addressed, and a concise statement of comments/objections/suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

*Certification Request Initiated By:* Office of Bridge Administration, United States Coast Guard, 2100 Second Street, S. W., Washington, DC 20593-0001

*Project Description/Location:* This project involves the proposed modification of the Lift Bridge across the Naval Reserve Basin in Philadelphia. The U.S. Coast Guard is requesting Water Quality Certification associated with altering and repairing of the Lift Bridge so that the existing navigation vertical clearance is increased from 135 feet to 150 feet, to facilitate berthing of the expected future mix of ships in the Reserve Basin. No channel dredging or filling or construction of approach roadways is included in this bridge repair and alteration work.

## EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, (570) 836-2589.*

<i>ESCP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
6601801	Precision Lumber, Inc. HC31, P. O. Box 486 Dushore, PA 18614	Wyoming	Eaton Township	Bowman Creek & Un-named Tributaries HQ-CWF



## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

#### I. Municipal and industrial permit actions under The Clean Streams Law Act (35 P.S. §§ 691.1— 691.1001).

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WQM Permit No. 2301404.** Sewerage. **Concord Township Sewer Authority**, 664 Concord Road, Glen Mill, PA 19342. Applicant is granted approval for the construction and operation of the Robin's Way and Beaver Valley Road Pump Stations and sanitary sewer force mains to serve Conestoga Farms a residential development located in Concord Township **Delaware County**.

**WQM Permit No. 1501412.** Sewage. **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382. Applicant is granted approval for the construction and operation of a pump station and force main to serve the proposed Dilworthtown Crossing commercial shopping center located in Birmingham Township, **Chester County**.

**WQM Permit No. 1501407.** Sewerage. **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. Applicant is granted approval for the construction of an sanitary sewer extension pump station and force main to serve Hartefeld a residential subdivision located in New Garden Township, **Chester County**.

**NPDES Permit No. PA0058041.** Sewage. **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. Is authorized to discharge from a facility located at Possum Hollow Run WWTP, Limerick Township, **Montgomery County** into Schuylkill River and Manatawny Watershed (3D).

**NPDES Permit No. PA0053881.** Sewage. **Karl and Karen Helker**, 21 Woodland Drive, Glen Mills, PA 19342. Is authorized to discharge from a facility located in Chadds Ford Township, **Delaware County** to an unnamed tributary of West Branch Chester Creek.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0085863 Amendment No. 2,** Industrial Waste, **Waste Management of Pennsylvania, Inc.**, (Harmony Grove Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This proposed facility is located in Dover Township, **York County**. Description of Proposed Action/Activity: Authorization to discharge to a stormwater retention pond in Watershed 7-F.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PA0228249,** Sewerage. **Eagle Creek Partnership**, 1901 East College Avenue, State College, PA 16801. This proposed facility is located in Union Township, **Centre County**. Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named Bald Eagle Creek.

**NPDES Permit No. PA 0209368,** Sewerage. **Benton Foundry Inc.**, 5297 State Route 487, Benton, PA 17814-7641. This proposed facility is located in Sugarloaf Township, **Columbia County**. Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named unnamed tributary of Coles Creek.

**NPDES Permit No. PA0033316,** Sewerage. **Knittle Enterprises Pinecrest Village Mobile Home Park**, 24 Pinecrest Drive, Williamsport, PA 17701-9730. This proposed facility is located in Eldred Township, **Lycoming County**. Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named unnamed tributary of Miller's Run.

**NPDES Permit No. PA0113093,** Sewerage. **Christ Wesleyan Church**, R. R. 4 Box 2000, Milton, PA 17847. This proposed facility is located in Turbot Township, **Northumberland County**. Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named unnamed tributary of Limestone Run.

**NPDES Permit No. PA0021733,** Sewerage, Amendment. **Watsonstown Borough**, P. O. Box 273, Watsonstown, PA 17777. This proposed facility is located in Watsonstown Borough, **Northumberland County**. Description of Proposed Action/Activity: Bypass and Cleaning Project.

**NPDES Permit No. PA0007498,** Industrial Waste. **Wise Foods Inc.**, 228 Raseley Street, Berwick, PA 18603. This proposed facility is located in Berwick Borough, **Columbia County**. Description of Proposed Action/activity: Food processing.

**NPDES Permit No. PA0228249,** Sewerage. **Eagle Creek Partnership**, 1901 East College Avenue, State College, PA 16801. This proposed facility is located in Union Township, **Centre County**. Description of Proposed Action/Activity: Is authorized to discharge treated effluent to the receiving waters named Bald Eagle Creek.

**WQM Permit No. 1701402,** Sewerage. **Sandy Township**, P. O. Box 267, DuBois, PA 15801. This proposed facility is located in Sandy Township, **Clearfield County**. Description of Proposed Action/Activity: New

sewer extension and pump station, that will convey future flow to the City of DuBois sewer and sewage treatment plant.

**WQM Permit No. 1401402**, Sewerage. **Eagle Creek Partnership**, 1901 East College Avenue, State College, PA 16801. This proposed facility is located in Union Township, **Centre County**. Description of Proposed Action/Activity: Is authorized to construct and maintain wastewater treatment facilities to serve the intended residential mobile home facility.

**WQM Permit No. 0801201**, Industrial Waste. **P & N Packing Inc.**, R. R. 2 Box 180, Wyalusing, PA 18853. This proposed facility is located in Terry Township, **Bradford County**. Description of Proposed Action/Activity: New diffusers, pump and level controls in the equalization tank; conversion of the aerobic digester to an extended aeration tank; modifications to the chlorine contact tank; new scum holding tank; conversion of the existing aeration tank to an aerobic digester; new pumps, blowers, meters and simplified piping.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0006335-A1**. Industrial. **Koppel Steel Corporation**, 23rd and Duss Avenue, Ambridge, PA 15003 is authorized to discharge from a facility located at the Ambridge Plant, Ambridge Borough, **Beaver County** to receiving waters named Ohio River.

**NPDES Permit No. PA0096652**. Sewage. **Emma Garin**, 4010 Noblestown Road, Oakdale, PA 15071 is authorized to discharge from a facility located at Pennsylvania Motor Speedway STP, North Fayette Township, **Allegheny County** to receiving waters named Unnamed tributary (Drainage Swale) to Half Crown Run.

**Permit No. 0375403-A2**. Industrial Waste. **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. Construction of Electric Power Generation located in Washington Township, **Armstrong County** to serve Armstrong Power Station.

**Permit No. 0401201**. Industrial Waste. **Penna Flame Industries, Inc.**, R. R. 3, Box 14-B, Zelienople, PA 16063.

Construction of Metal Heat Treating Facility located in Franklin Township, **Beaver County** to serve Oil/Water Separator.

**Permit No. 3274203-A2**. Industrial Waste. **Reliant Energy**, 1001 Broad Street, Johnstown, PA 15097. Construction of Stormwater Sedimentation Pond Associated with the Coal Pile Refuse Remediation located in East Wheatfield Township, **Indiana County** to serve Seward Generating Station.

**Permit No. 0201403**. Sewerage. **City of McKeesport**, 201 Lysle Boulevard, McKeesport, PA 15132. Construction of a pump station, gravity and pressure sewers located in the City of McKeesport, **Allegheny County** to serve Center Street Sewer Extension and Pump Station No. 3A.

**Permit No. 0299415**. Sewage. **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122. Construction of a Pump Station located in West Mifflin Borough, **Allegheny County** to serve the SR 885 Pump Station.

**Permit No. 6301401**. Sewerage. **Matthew Haas**, 1344 Mt. Morris Road, Waynesburg, PA 15370. Construction of Single Residence Sewage Treatment Plant located in East Bethlehem Township, **Washington County** to serve Haas Single Residence Sewage Treatment Plant.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2001407**, Sewerage, **Joyce A. Hall**, 18420 Barber Road, Meadville, PA 16335. This proposed facility is located in Union Township, **Crawford County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

**WQM Permit No. 2501406**, Sewerage, **Jeanette Paris**, 2101 Dorn Road, Waterford, PA 16441. This proposed facility is located in Summit Township, **Erie County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

#### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

#### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10-G462	Sun Pipe Line Company Ten Penn Center—26th Floor 1801 Market Street Philadelphia, PA 19103-1699	Chester	East Goshen Township Westtown Township	Ridley Creek (HQ)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q219	Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q213	K & M Associates 496 Lone Lane Allentown, PA 18104	Lehigh	Upper & Lower Macungie Townships	Cedar Creek HQ-CWF
PAS10R037	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne	Lehman Township	Harvey's Creek HQ-CWF
PAS10R039	Dorothy Lutinski R. R. 1, Box 93 Harvey's Lake, PA 18618	Luzerne	Harvey's Lake Borough	Harvey's Creek HQ-CWF
PAS10U147	Franklin Realty Development Corp. 3311 Swede Rd., Suite B East Norriton, PA 19401	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAS105718	Tamaqua Borough Authority 320 E. Broad St. Tamaqua, PA 18252	Schuylkill	Tamaqua Borough	Owl Creek HQ-CWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS105507	Jackie Marancy Dominion Transmission Inc. P. O. Box 2450 Clarksburg, WV 26302	Potter County	Stewardson Township	Little Greenlick Run HQ-CWF

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site

PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bethel Township Delaware County	PAR10-J211	Rom and Verna Miller 431 White Oak Tree Road York Springs, PA 17372	Green Creek (CWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bethel Township Delaware County	PAR10-J184	Fortress 2 EP Raymond Drive Havertown, PA 19083	Naamans Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Skippack Township Montgomery County	PAR10-T753	Skippack Township Authority 1246 Bridge Road Skippack, PA 19474	Perkiomen Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Monroe County E. Stroudsburg Borough	PAR10S029-1	East Stroudsburg Univ. 200 Prospect St. E. Stroudsburg, PA 18301	Brodhead Creek TSF, MF	Monroe County Conservation District (570) 629-3060
Lackawanna County City of Scranton	PAR10N119	Mary Alice Burke 340 N. Washington Ave. Scranton, PA 18503	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
East Hempfield Township Lancaster County	PAR10O384-1	County of Lancaster 50 N. Duke St. Lancaster, PA 17603	UNT Chickies Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601
East Hempfield Township Lancaster County	PAR10O475	Centerville Associates 87 Chapter Forge Court Lancaster, PA 17601	UNT Swarr Run (TSF)	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601
Manheim Township Lancaster County	PAR10O477	Frank Provanzo 2938 Columbia Ave. Lancaster, PA 17603	UNT Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601
Bart Township Lancaster County	PAR10O497	Solanco School District 121 S. Hess St. Quarryville, PA 17566	UNT Bells Run and Coopers Run (TSF-MF)	Lancaster County Conservation District 1383 Arcadia Rd. Rm. 6 Lancaster, PA 17601
Straban Township Adams County	PAR10O121	Adams County Board of Commissioners 111—117 Baltimore St. Gettysburg, PA 17325	Beaverdam Creek (WWF) White Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Exeter Township Berks County	PAR10C034R-1	Michael Rodino/MDR Construction 38 W. Lancaster Avenue Shillington, PA 19607		Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Upper Bern Township Berks County	PAR10C352	Harvey Weaver 5234 Old Rt. 22 Hamburg, PA 19526	UNT to Mill Creek	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Ontelaunee Township Berks County	PAR10C363	Peter McCarron/PDE Inc. P. O. Box 765 Leesport, PA 19533	Schuylkill River	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Cumru Township Berks County	PAR10C365	William D. Angstadt Angstadt Inc. P. O. Box 377 Reading, PA 19607	Schuylkill River	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Swatara Township Dauphin County	PAR10I268	Mann Realty Box E Bowmansdale, PA 17070	Spring Creek West	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

*Southwest Region: Regional Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Beaver County New Sewickley Township	PAR100282	David J. D'Atri Forest Brook MHP 320 Sunset Drive Baden, PA 15005	UNT to Pine Run/WWF	Beaver County Conservation District (724) 774-7090
Cambria County Cresson Township	PAR101073	Mt. Aloysius College 7373 Admiral Perry Hwy. Cresson, PA 16630	North Branch Little Conemaugh River/CWF	Cambria County Conservation District (814) 472-2120
Westmoreland County Mt. Pleasant Township	PAR10X251	Esther Glasser 1419 Highview Drive Greensburg, PA 15601	UNT to Boyer Run/WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Murrysville	PAR10X252	Toro Development Company 100 Sandune Drive Pittsburgh, PA 15239	UNT to Humms Run/TSF	Westmoreland County Conservation District (724) 837-5271
Butler County Jefferson Township	PAR10E143	Summit United Presbyterian Church 181 Caldwell Drive Butler, PA 16001	UNT Thorn Creek (WWF)	Butler Conservation District (724) 284-5270
Erie County Elk Creek Township	PAR10K180	BBKC Inc. Erie County Motorplex Raceway Park 11340 Pont Road Albion, PA 16401	UNT Temple Creek (WWF)	Erie Conservation District (814) 796-6760 (5)

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Conshohocken Borough Montgomery County	PAR230074	Spartech Vy-Cal Plastics Corporation Elm and Harry Streets P. O. Box 386 Conshohocken, PA 19428	Schuylkill River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Hatfield Township Montgomery County	PAR230075	Grace Construction Products 1330 Industry Road Hatfield, PA 19440	Unnamed tributary of the West Branch, Neshaminy Creek	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Cumberland County Middlesex Township	PAR803613	Roadway Express, Inc. 1077 Gorge Blvd. Akron, OH 44309	UNT Conodoguinet Creek/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR803609	Roadway Express, Inc. 1077 Gorge Blvd. Akron, OH 44309	West Branch Little Conestoga Creek/TSF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Bern Township	PAR803612	Roadway Express, Inc. 1077 Gorge Blvd. Akron, OH 44309	UNT Schuylkill River/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Jackson Township	PAR803613	Roadway Express, Inc. 1077 Gorge Blvd. Akron, OH 44309	Little Honey Run/TSF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Penn Township	PAR223526	J. F. Rohrbaugh & Co., Inc. 1030 Wilson Avenue Hanover, PA 17331	Oil Creek/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Union County White Deer Township	PAR144801	NGC Industries Inc. P. O. Box 338 Milton, PA 17847	Unnamed tributary to West Br. Susquehanna 10D	Northcentral Regional Office DEP 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Brookville Borough Jefferson County	PAR118330	Miller Welding & Machine Company— Sandy Lick Plant P. O. Box G Brookville, PA 15825	Sandy Lick Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Lackawannock Township Mercer County	PAR808374	Ergon Trucking, Inc. P. O. Box 1639 Jackson, MS 39215-1539	Unnamed tributary to Neshannock Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Saxonburg Borough Butler County	PAR328306	Saxonburg Ceramics, Inc. P. O. Box 688 Saxonburg, PA 16056-0688	Thorn Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Columbia County North Centre Township	PAG044891	Paul L Yohey 52 Dohl Rd. Berwick, PA 18603	West Br. Briar Creek 5D	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport, PA 17701
Montour County Anthony Township	PAG044857	John Chamberlin 250 Yeagle Road Muncy, PA 17756	Unnamed tributary to County Line Branch 10D	Northcentral Regional Office DEP 208 West Third St. Suite 101 Williamsport, PA 17701
Washington County East Bethlehem Borough	PAG046223	Matthew Haas 1344 Mt. Morris Road Waynesburg, PA 15370	Tenmile Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Delaware Township Mercer County	PAG048406	Raymond F. Weiser 2002 Rutledge Road Transfer, PA 16154-2832	Unnamed tributary to Shenango Reservoir	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Crawford County	PAG048728	Joyce A. Hall 18420 Barber Road Meadville, PA 16335	Unnamed tributary to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG048722	Jeanette Paris 2101 Dorn Road Waterford, PA 16441	Drainage Swale to LeBoeuf Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Mercer County	PAG048409	John H. Miller 54 Kelso Road Fredonia, PA 16124	Unnamed tributary to Otter Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Mt. Pleasant Borough Westmoreland County	PAG056163	Mountain Gateway Convenience Store HC Box 65 Mt. Pleasant, PA 15666	Jacobs Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
West Taylor Township Cambria County	PAG086106	City of Johnstown 414 Washington Street Johnstown, PA 15901-0610	City of Johnstown WWTP 241 Asphalt Road Johnstown, PA 15906-1128	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Lower Macungie Township Lehigh County	PAG07-0003 PAG08-0001 PAG08-0002 PAG08-0003 PAG08-0006 PAG08-0007 PAG08-0008 PAG08-0009 PAG08-2201 PAF08-2203 PAG08-3501 PAG08-3502 PAG08-3506 PAG08-3515 PAG08-3517 PAG08-3522 PAG08-3542 PAG08-3547 PAG08-3551 PAG08-3825	Synagro Mid-Atlantic, Inc. 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Hunsicker Farm Lower Macungie Township Lehigh County	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Pine Grove Township Schuylkill County	PAG07-0003 PAG08-0001 PAG08-0002 PAG08-0003 PAG08-0006 PAG08-0007 PAG08-0008 PAG08-0009 PAG08-2201 PAF08-2203 PAG08-3501 PAG08-3502 PAG08-3506 PAG08-3515 PAG08-3517 PAG08-3522 PAG08-3542 PAG08-3547 PAG08-3551 PAG08-3825	Synagro Mid-Atlantic, Inc. 1605 Dooley Road P. O. Box B Whiteford, MD 21160	John Zimmerman Farm Pine Grove Township Schuylkill County	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511



*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Statewide Use	PAG109608	Texas Eastern Transmission Corp. 5400 Westheimer Ct. Houston, TX 77056	Statewide Use—Water body information to be provided to the Department before discharge.	DEP Central Office 400 Market Street Harrisburg, PA 17105 (717) 787-8184

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Perry County Tyrone Township	PAG123506	Mark Leinbach Farm R. R. 2, Box 14A1 Loysville, PA 17047	UNT to Muddy Run/WWF/7-A	DEP—Southcentral Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4700

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 0901509**, Minor Amendment. Public Water Supply.

Applicant	<b>Upper Southampton Municipal Authority</b> 945 Street Road Southampton, PA 18966
Township	Upper Southampton
County	<b>Bucks</b>
Type of Facility	Public Water Supply System
Consulting Engineer	Pennoni Associates 3001 Market Street Philadelphia, PA 19104

Permit to Construct Issued May 11, 2001

Operations Permit issued to: Philadelphia Suburban Water Company, Bristol Borough/Township, Bucks County on May 11, 2001.

**Permit No. 0196504-T1**, Public Water Supply.

Applicant	<b>Insite Development, LLC</b>
Municipality	Berwick Township
County	<b>Adams</b>
Type of Facility	Operation Permit for the Eagle View Mobile Home Park community water system. System consists of one well, sodium hypochlorite disinfection, pH adjustment using caustic soda, a finished water standpipe and a distribution system.

Consulting Engineer	David J. Gettle Kohl Bros., Inc. P. O. Box 350 Myerstown, PA 17067
---------------------	---

Permit to Operate Issued: May 11, 2001

**Permit No. 2198501**, Public Water Supply.

Applicant	<b>White Rock Water Corp.</b>
Municipality	Monroe
County	<b>Cumberland</b>
Type of Facility	Operation of Khun Rd. pump station
Consulting Engineer	Tom Harbert, P.E. L. Robert Kimball & Associates 4400 Deer Path Road Harrisburg, PA 17110
Permit to Operate Issued:	May 8, 2001

**Permit No. 2801507**, Public Water Supply.

Applicant	<b>Lincoln Utilities Incorporated</b>
Municipality	Antrim Township
County	<b>Franklin</b>
Responsible Official	Charles A Rine, Acting Secretary/Treasurer 643B East Baltimore Street Greencastle, PA 17225
Type of Facility	Public Water Supply
Consulting Engineer	Gene C Koontz, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	April 30, 2001

Description of Action	A Construction Permit Application for proposed modifications to existing water treatment facilities. Modifications will include installation of pressure filters, chemical feed equipment and chlorine disinfection to meet the requirements of the PA Filter Rule.
-----------------------	---

**Permit No. 3801505**, Public Water Supply.

Applicant	<b>Myerstown Water Authority</b>
Municipality	Myerstown Borough

County **Lebanon**  
 Responsible Official Roger T Karsnitz, Chairman  
 101 East Washington Avenue  
 Myerstown, PA 17067  
 Type of Facility Public Water Supply  
 Consulting Engineer Jennifer I Kintzer, P.E.  
 Great Valley Consultants  
 75 Commerce Drive  
 Wyomissing, PA 19610  
 Application Received Date May 7, 2001  
 Description of Action Construction of the West Washington Avenue booster pumping station to serve the retirement community of Arbogate and provide service to areas within Jackson Township.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1499505, Public Water Supply.**

Applicant **Eagle Creek Partnership**  
 c/o Louis Glantz, Partner  
 1901 East College Ave.  
 State College, PA 16801  
 Township Union Township  
 County **Centre**  
 Type of Facility Public Water Supply  
 Consulting Engineer Kenneth W. Szala, P.E.  
 Permit to Construct Issued May 8, 2001

**Permit No. 5501501, Public Water Supply.**

Applicant **Penn Township Municipal Authority**  
 12 Clifford Road  
 Selinsgrove, PA 17870  
 Township Penn Township  
 County **Snyder**  
 Type of Facility Public Water Supply  
 Consulting Engineer Gannett-Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Construct Issued May 8, 2001

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 4200502, Public Water Supply.**

Applicant **Hazel Hurst Water Company**  
 P. O. Box 197  
 Hazel Hurst, PA 16733  
 Borough or Township Hazel Hurst  
 County **McKean**  
 Type of Facility Public Water Supply

Applicant **Hazel Hurst Water Company**  
 P. O. Box 197  
 Hazel Hurst, PA 16733  
 Consulting Engineer James J. Rhoades, P.E.  
 Alfred Benesch & Company,  
 Consulting Engineers  
 400 One Norwegian Plaza  
 P. O. Box 1090  
 Pottsville, PA 17901-1090.  
 Permit to Construct Issued May 11, 2001  
 Operations Permit issued to: Wilderness MHP, Locust Street, P. O. Box 524, Warren, PA 16365, Pleasant Township, Warren County, May 9, 2001.

## WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WA 25-726, Water Allocations. Millcreek Township Water Authority, Millcreek Township, Erie County.** Modification Order 2001-11, to become a part of existing water allocation permit to grant an additional interconnection (taking point) located at Sterrettania at Greeley, with a capacity of 650,000 gpd.

## SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan approvals granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5).**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Plan Location:**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Weisenberg Township	<b>Weisenberg Township Municipal Bldg.</b> 2175 Seipstown Rd. Fogelsville, PA 18051	<b>Lehigh</b>

**Plan Description:** The approved plan provides for a 24-lot light industrial and office park with a possible restaurant on a 250 acre tract. A Cromaglass Wastewater Package Treatment Plant is proposed to treat the estimated 40,000 GPD of sewage flows to be discharged to Mill Creek. The proposed development is located at the Arcadia West Industrial Park, northwest corner of Interstate Route 78 and Golden Key Road in Weisenberg Township, Lehigh County. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mt. Joy Township	159 Merts Department of Revenue Elizabethtown, PA 17022	Lancaster County

Plan Description: The approved plan provides for a 50 residential lots subdivision to generate 13,500 gpd in sewage flows to the Mt. Joy Township sewage collection and conveyance system and Borough of Elizabethtown sewage treatment facility. The project is located on the southwest side of Rt. 283 southeast of Mt. Gretna Road in Mt. Joy Township, Lancaster County and is known as Northbrook Phase 3. The DEP code number is A3-36942-282-3. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mt. Joy Township	159 Merts Drive Elizabethtown, PA 17022	Lancaster County

Plan Description: The approved plan provides for 80 residential townhouse units to generate 21,600 gpd in sewage flows tributary to the Mt Joy Township sewage collection and conveyance system and Borough of Elizabethtown Wastewater Treatment Facility. The project is located on the west side of Old Hershey Rd. at Hershey Road in Mount Joy Township, Lancaster County. The project is known as Rockwood Ph. 4 and the DEP code number is A3-36942-287-3. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEAN-UP

### Under the Act of October 18, 1988 North Penn Area 8 Site, Skippack Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) is proposing an interim response at the North Penn Area 8 Site in Skippack Township, Montgomery County, PA. This response is proposed under sections 501(a) and 505(b) of HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The North Penn Area 8 Site (Site) is located in the vicinity of Store Road and Skippack Pike, Skippack Township, Montgomery County. The Site consists of an area of groundwater contaminated with trichloroethylene (TCE). The source of the contamination is not known. The United States Environmental Protection Agency (EPA) investigated the site for possible inclusion in the Federal Superfund program in 1993. The Site was placed on the No Further Remedial Action Planned (NFRAP) list and subsequently referred to HSCA in 1998 as part of its ongoing investigation of NFRAP sites.

Since the investigation began, TCE levels in private wells at the Site have been as high as 350 parts-per-billion (ppb). The EPA has established 5 ppb as the maximum permissible level for safe drinking water. The

Department has been providing bottled drinking water to residents with moderately contaminated wells, and carbon filters were installed on homes with highly contaminated wells, to protect residents from an inhalation hazard. These services were provided while the Department conducted a more thorough investigation and examined alternatives for a permanent solution.

The Department is considering three alternatives. The first alternative, no action, would allow for the continued use of a contaminated aquifer as a source of drinking water. While this alternative would incur no costs, it does not protect human health or the environment. The second alternative, installation of whole-house carbon filtration systems, is not a permanent solution as it would require continued actions by the Department to monitor and operate the units as long as contamination persists. The estimated cost of this alternative is \$1.6 million. The third alternative, consists of installation of lateral connections from affected residences to the existing North Penn Water Authority main, and the abandonment of disused wells. The estimated cost of this alternative is \$170,000.

The Department proposes the third alternative, installation of lateral connections to the public water supply. This alternative is protective of public health and the environment, complies with applicable, relevant and appropriate requirements, and is feasible, permanent and cost effective.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA, and the publication of this notice starts the administrative record public comment period. The administrative record, which contains information concerning this proposed interim response action is available for public review and comment. The administrative record may be examined weekdays from 9 a.m. to 5 p.m. at the Department's Southeast Regional Office located at Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428. Contact Grant Morehead, Site Project Officer, at (610) 832-6202 to set up an appointment. The administrative record may also be reviewed at the Skippack Township Building, 1264 Bridge Road, Skippack PA 19474. The township office number is (610) 584-5453.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department by mailing them to Grant Morehead at the Department of Environmental Protection, 555 North Lane, Suite 6010, Conshohocken PA 19428. All comments must be postmarked by August 24, 2001.

The public will have an opportunity to present oral comments at a public hearing regarding this interim response. The hearing will take place Thursday, June 28, 2001, at the Skippack Township Building, 1264 Bridge Road, Skippack PA 19474. There will be a question and answer session beginning at 4:30 p.m. and the formal hearing will start at 7 p.m. Persons wishing to present formal oral comment at the hearing should register on or before 4 p.m., June 28, 2001, by calling the Department's Community Relations Coordinator, Deborah Fries at (610) 832-6020.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service, or other accommodation to participate in the proceedings, should call Deborah Fries at the above number or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**HAZARDOUS WASTE TRANSPORTER LICENSE**

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**HAZARDOUS WASTE TRANSPORTER LICENSE ISSUED**

**Tier De, Inc.**, 300 Jefferson Avenue, Downingtown, PA 19335. License No. PA-AH 0680. Effective April 27, 2001.

**HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED**

**M. C. Tank Transport, Inc.**, 10134 Mosteller Lane, West Chester, OH 45069. License No. PA-AH 0489. Effective April 30, 2001.

**Matlack, Inc.**, P. O. Box 8789, Wilmington, DE 19899. License No. PA-AH 0143. Effective May 4, 2001.

**Lionetti Oil Recovery, Inc. DBA Lorco**, 450 S Front Street. License No. PA-AH 0567. Effective May 4, 2001.

**Brentag Northeast, Inc.**, P. O. Box 13788, Reading, PA 19612. License No. PA-AH 0082. Effective May 9, 2001.

**Select Transportation, Inc.**, 5055 Nike Drive, Hilliard, OH 43026. License No. PA-AH 0469. Effective May 9, 2001.

**Triad Transport, Inc.**, P. O. Box 818, McAlester, OK 74502. License No. PA-AH 0392. Effective May 9, 2001.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED**

**NSH Network, Inc.**, D.B.A. Resource Management Council Services, 3001 Expressway Drive No., Suite 300, Islandia, NY 11749. License No. PA-HC 0197. Effective April 25, 2001.

**DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for general permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMR037D001. RFI Energy, Inc.**, 555 Philadelphia St., Indiana, PA 15701. Description: ash generated from the burning as a fuel of a mixture of petroleum coke and coal in a circulating fluidized bed boiler for use as a soil additive to facilitate revegetation, and use as a neutralizer, on disturbed land at permitted and abandoned mine sites. The Department approved the determination of applicability on May 10, 2001.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**AIR QUALITY**

**General plan approval and operating permit usage authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**48-302-102GP: Diversified Flock Products, Inc.** (1150 Hilton Street, Easton, PA 18042) for construction and operation of a Cleaver Brooks Boiler in Williams Township, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP3-67-03102: Furnley Enterprises, Inc.** (291 Sawmill Road, Duncannon, PA 17020) for operation of portable crushing and conveying equipment at the Roosevelt Quarry in West Manchester Township, **York County**.

**Operating Permit Administrative Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**49-00009: PREMDOR Corp.** (P. O. Box 112, Northumberland, PA 18062) issued a revised Title V Operating Permit, Revision No. 1, on May 4, 2001, to allow for a change in ownership from Mohawk Flush Doors Inc. to PREMDOR Corp. for their door manufacturing facility in Point Township, **Northumberland County**.

**Operating Permit Minor Modifications Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**14-00003: Pennsylvania State University—University Park Campus** (101-P Physical Plant Building, University Park, PA 16802) issued a revised Title V

Operating Permit on April 23, 2001, to de-rate a hospital/medical/infectious waste incinerator from a maximum capacity of 600 pounds per hour to 500 pounds per hour in State College Borough, **Centre County**.

**Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-05022: American Stair and Cabinetry** (5171 Innovation Way, Building 7, Chambersburg, PA 17201) on May 4, 2001, for a Synthetic Minor Operating Permit at the Chambersburg Plant in Greene Township, **Franklin County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**41-318-045: High Steel Structures, Inc.** (3501 West Fourth Street, Williamsport, PA 17701) on April 4, 2001, for operation of a structural steel fabrication and surface coating operation and associated air cleaning devices (cartridge collectors) in the City of Williamsport, **Lycoming County**.

**47-318-009: Aldan Acquisition, Inc.** (115 Woodbine Lane, Danville, PA 17821-9118) on April 18, 2001, for operation of a fabric coating and curing operation and associated air cleaning device (a thermal oxidizer) in Mahoning Township, **Montour County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0047: Mueller Streamline Co.** (287 Wissahickon Avenue, North Wales, PA 19454) on May 9, 2001, for operation of two (2) vapor degreasers in Upper Gwynedd Township, **Montgomery County**.

**46-0020C: Superior Tube Co.** (3900 Germantown Pike, Collegeville, PA 19426) on May 10, 2001, for operation of a Activated Carbon Adsorption System in Lower Providence Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**48-306-008C: Northampton Generating Co., LP** (1 Horwith Drive, Northampton, PA 18067) on May 14, 2001, for modification of fuels for the fluidized bed boiler in Northampton Borough, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-03121: Williams Metalfinishing, Inc.** (P. O. Box 2029, Sinking Spring, PA 19608) on May 9, 2001, for construction of a new metal polishing operation and modification of an existing metal polishing operation to be controlled by two cyclones and two fabric collectors at the Sinking Spring Plant in Sinking Spring Borough, **Berks County**.

**67-05005B: PPL Brunner Island, LLC** (Two North Ninth Street, Allentown, PA 18101-1179) on May 8, 2001, for construction of a rotary coal car dumper controlled by wet suppression in East Manchester Township, **York County**.

**67-310-004I: CEMEX, Inc.** (P. O. Box 220, Thomasville, PA 17364) on May 8, 2001, for modification of three (3) 100-ton storage silos with respective loadouts and control devices at the Thomasville Facility, Plant 2/2A in Jackson Township, **York County**. These sources are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**08-313-011D: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on April 4, 2001, for modification of a spray dryer by increasing its allowable annual process rate and for installation of air cleaning devices (a fabric collector and a HEPA filter) on the respective dryer in North Towanda Township, **Bradford County**.

**14-313-041: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) on April 5, 2001, for modification of a chemical process facility to manufacture a new product (ROC7-2000) in College Township, **Centre County**.

**49-317-002: Sensenig Milling Services, Inc.** (R. R. 2, Box 68A, Watsontown, PA 17777) on April 10, 2001, for construction of a rotary bakery waste dryer and associated air cleaning devices (a cyclone collector and a fabric collector) in Lewis Township, **Northumberland County**.

**41-317-005: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) on April 10, 2001, for construction of a livestock feed mill and associated air cleaning devices (fabric collectors, cartridges collectors and cyclone collectors) in Clinton Township, **Lycoming County**.

**08-399-047C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on April 17, 2001, for construction of four (4) EL phosphor CVD coating reactors and associated air cleaning device (a combination catalytic oxidation/selective catalytic reduction system) in North Towanda Township, **Bradford County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**37-264F: Ellwood Quality Steels Co.** (700 Moravia Street, New Castle, PA 16101) on May 3, 2001, for modifications to Furnace Number 17 in New Castle, **Lawrence County**.

**25-688A: Hamot Medical Center** (201 State Street, Erie, PA 16550) on May 2, 2001, for modifications to the hospital waste incinerator in Erie, **Erie County**.

**42-004A: American Refining Group, Inc.** (7 North Kendall Avenue, Bradford, PA 16701) on April 27, 2001, for installation of an Isomer Unit in Bradford, **McKean County**.

**42-174C: McKean County Solid Waste Authority** (State Route 42034, Hutchins Road, Mt. Jewett, PA 16740) on May 8, 2001, for construction of the North Expansion at Kness Landfill in Sergeant Township, **McKean County**.

**Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-0121: Conte Luna Foods** (40 Jacksonville Road, Warminster, PA 18974) on May 8, 2001, for operation of a bag filter dust collector in Warminster Township, **Bucks County**.

**46-0067: MM SKB Energy LLC** (709 Swedeland Road, Building 32, Swedeland, PA 19406) on May 8, 2001, for operation of diesel engines in Upper Merion Township, **Montgomery County**.

**09-0015A: Rohm and Haas Co.** (Route 413 and State Road, Bristol, PA 19007) on May 8, 2001, for operation of a 1.7 mw-hr emergency generator in Bristol Township, **Bucks County**.

**46-0031A: SmithKline Beecham Research Co.** (450 Cresson Road, Oaks, PA 19426) on May 8, 2001, for operation of two (2) emergency generators in Upper Providence Township, **Montgomery County**.

**46-322-007: Waste Management Disposal Services of PA** (1425 Sell Road, Pottstown, PA 19464) on May 11, 2001, for operation of a Municipal Solid Waste Landfill in West Pottsgrove Township, **Montgomery County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**53-00004A: Dominion Transmission Corp.—Harrison Compressor Station** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 3, 2001, for operation of a 25.2 million BTU per hour natural gas-fired boiler until August 31, 2001, at the Title V facility in Harrison Township, **Potter County**.

**47-0001B: PPL Montour, LLC—Montour Steam Electric Station** (Two North Ninth Street, Allentown, PA 18101-1179) on May 4, 2001, for operation of a bituminous coal-fired electric utility boiler (Unit 2) and associated air cleaning device (an electrostatic precipitator) on a temporary basis until September 1, 2001, for their facility in Derry Township, **Montour County**.

**47-0001C: PPC Montour, LLC—Montour Steam Electric Station** (Two North Ninth Street, Allentown, PA 18101-1179) on May 4, 2001, for operation of a bituminous coal-fired electric utility boiler (Unit 2) and associated air cleaning device (a selective catalytic reduction system) on a temporary basis until September 1, 2001, for their facility in Derry Township, **Montour County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**63-906A: Lane Construction Corp.** (1 Rutgers Road, Second Floor, Pittsburgh, PA 15205) on May 3, 2001, for operation of a Drum-Mix Asphalt Plant at Donora Asphalt Plant in Donora Borough, **Washington County**.

**65-919A: Angelo Iafrate Construction Co.** (P. O. Box 259, 108B Main Street, New Stanton, PA 15672) on May 10, 2001, for operation of a crusher and asphalt plant at Carpenter Town Asphalt Plant in Mount Pleasant Borough, **Westmoreland County**.

**30-096A: Kyowa America Corp.** (317 East Roy Furman Highway, Waynesburg, PA 15370) on May 10, 2001,

for operation of a Rotary Concentrator and Thermal Oxidizer at Pennsylvania Plant in Franklin Township, **Greene County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**61-185A: Heath Oil Co.** (Route 8, P. O. Box 1128, Oil City, PA 16301) on April 30, 2001, for two (2) portable oil refineries in Barkeyville, **Venango County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Coal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**40763204R3. Northampton Fuel Supply Co., Inc.**, (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814-6161), renewal of an existing coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 61.2 acres, receiving stream—none. Renewal issued May 7, 2001.

**22850201R3. Meadowbrook Coal Co., Inc.**, (Box 477, Lykens, PA 17048), renewal of an existing anthracite coal refuse reprocessing and disposal operation in Wiconisco Township, **Dauphin County** affecting 10.81 acres, receiving stream—Wiconisco Creek. Renewal issued May 9, 2001.

**54851315R3. Nowacki Coal Company**, (R. R. 1 Box 1308, Tamaqua, PA 18252), renewal of an existing anthracite underground mine operation in Schuylkill Township, **Schuylkill County** affecting 1.0 acres, receiving stream—none. Renewal issued May 9, 2001.

**19860101R3. Jac-Mar Coal Co. t/a L & E Coal**, (P. O. Box 353, Cresco, PA 18326), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 190.0 acres, receiving stream—none. Renewal issued May 10, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17960104. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 79 acres. Receiving stream—Cofinan Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received March 6, 2001. Permit issued May 7, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**26743202. Carbon Fuel Resources, Inc.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Dunbar and North Union Townships, **Fayette County**, affecting 113.0 acres. Receiving streams: unnamed tributaries to and including Rankin Run. Application received: January 16, 2001. Renewal issued: May 8, 2001.

**02860201. Minerals Technology, Inc.** (100 High Tower Boulevard, Suite 301, Pittsburgh, PA 15205). NPDES Permit renewed for continued operation and reclamation of a bituminous surface mine/coal refuse reprocessing facility located in Harmar Township, **Allegheny County**, affecting 156.6 acres. Receiving streams: Guys Run. Application received: March 29, 2001. NPDES Renewal issued: May 9, 2001.

**03743055. Terry Reddinger** (Box 58, Distant, PA 16223). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Madison Township, **Armstrong County**, affecting 96.7 acres. Receiving streams: unnamed tributary to Mahoning Creek. Application received: March 12, 2001. Renewal issued: May 10, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**56980102.** Permit Revision, **Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), to include auger mining in Shade Township, **Somerset County**, affecting 92.7 acres, receiving stream unnamed tributaries to Oven Run. Application received March 6, 2001. Issued May 7, 2001.

**32980106. M & S Mining, Inc.** (P. O. Box 13, Indiana, PA 15701), commencement, operation and restoration of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 56.8 acres, receiving stream unnamed tributaries of Dixon Run. Application received April 22, 1998. Permit issued May 7, 2001.

**56900110.** Permit Renewal for reclamation only, **Hardrock Coal Company** (275 Saddle Ridge Road, Berlin, PA 15530), for continued restoration of a bituminous surface mine in Conemaugh Township, **Somerset County**, affecting 61.3 acres, receiving stream unnamed tributaries to Quemahoning Creek. Application received April 10, 2001. Issued May 10, 2001.

**56960106.** Permit Renewal for reclamation only, **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), for continued restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 351.6 acres, receiving stream North Branch Quemahoning Creek and Horner Run. Application received April 16, 2001. Issued May 10, 2001.

**11960102.** Permit Renewal for reclamation only, **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), for continued restoration of a bituminous surface and auger mine in Adams Township and South Fork Borough, **Cambria County**, affecting 225.1 acres, receiving stream South Fork Branch Little Conemaugh River. Application received April 16, 2001. Issued May 10, 2001.

**11900108.** Permit Renewal for reclamation only, **L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA 16838), for continued restoration of a bituminous surface and auger mine in Susquehanna Township, **Cambria**

**County**, affecting 29.2 acres, receiving stream unnamed tributaries to West Branch of Susquehanna River. Application received May 7, 2001. Issued May 10, 2001.

**56823142.** Permit Renewal for reclamation only, **Scurfield Coal, Inc.** (228 Main Street, Berlin, PA 15530), for continued restoration of a bituminous surface mine in Ogle and Paint Townships, **Somerset County**, affecting 140.7 acres, receiving stream unnamed tributary to Dark Shade Creek and Dark Shade Creek. Application received April 23, 2001. Issued May 10, 2001.

#### *Coal Applications Denied*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54713018C. Harriman Coal Corporation**, (978 Gap Street, Valley View, PA 17983), correction to an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 600 acres, receiving stream—none. Application received September 1, 1995. Application denied May 1, 2001.

**54713018R3. Harriman Coal Corporation**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 600 acres, receiving stream—none. Application received October 15, 1998. Application denied May 1, 2001.

**54803019R3. Harriman Coal Corporation**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Hegins & Porter Townships, **Schuylkill County** affecting 1,313 acres, receiving stream—none. Application received September 19, 2000. Application denied May 1, 2001.

**54930102T. International Anthracite Corporation**, (R. R. 1, Box 114, Hegins, PA 17958), transfer of an existing anthracite surface mine from Harriman Coal Corporation in Porter Township, **Schuylkill County** affecting 460 acres, receiving stream—none. Application received October 5, 2000. Application denied May 1, 2001.

**54951303R. International Anthracite Corporation**, (R. R. 1, Box 114, Hegins, PA 17958), renewal of an existing anthracite underground mine operation in Hegins Township, **Schuylkill County** affecting 73 acres, receiving stream—Good Spring Creek. Application received December 12, 2000. Application denied May 1, 2001.

**54000101. Andrew Kohl, Inc.**, (R. R. 1, Box 114, Hegins, PA 17958), commencement, operation and restoration of an anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 400 acres, receiving stream—East Branch Rausch Creek. Application received May 23, 2000. Application denied May 1, 2001.

**54850207T. International Anthracite Corporation**, (R. R. 1, Box 114, Hegins, PA 17958), transfer of an existing coal refuse reprocessing operation from Harriman Coal Corporation in Hegins Township, **Schuylkill County** affecting 39.1 acres, receiving stream—East Branch Rausch Creek. Application received September 13, 2000. Application denied May 1, 2001.

**54803203T2. International Anthracite Corporation**, (R. R. 1, Box 114, Hegins, PA 17958), transfer of an existing coal refuse reprocessing operation in Hegins Township, **Schuylkill County** affecting 76 acres, receiving stream—Rausch Creek. Application received September 27, 2000. Application denied May 1, 2001.

#### *Noncoal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**64910303C4. Ciccone Construction, Inc.,** (R. R. 2 Box 1575, Honesdale, PA 18431), correction to an existing quarry operation and NPDES Permit #PA0595462 in Palmyra Township, **Wayne County** affecting 54.2 acres, receiving stream—tributary to Lake Wallenpaupack. Correction issued May 10, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17012801. Superior Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846), commencement, operation and restoration of a Small Industrial Minerals (soil overburden) permit in Huston Township, **Clearfield County** affecting 4 acres. Receiving stream—Heath Run and unnamed tributary to Bennett Branch, tributary to Bennett Branch. Application received April 19, 2001. Permit issued May 8, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**63960301. Dick Corporation** (P. O. Box 10896, Pittsburgh, PA 15236). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mine located in Hanover Township, **Washington County**, affecting 33.2 acres. Receiving streams: unnamed tributary to Kings Creek, Kings Creek to Ohio River. Application received: February 27, 2001. NPDES Renewal issued: May 8, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**24011002. Superior Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15864) Authorization to extract noncoal (industrial minerals) in Fox Township, **Elk County** to provide material for clay liner construction at Superior Greentree Landfill. Receiving streams: Little Toby Creek and Sawmill Run. Application received: March 30, 2001. Authorization Approved: May 8, 2001.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514, and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717)

787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E48-298. Antonio and Soccorso Calantoni,** 2900 Swanson Street, Easton, PA 18045. Williams Township, **Northampton County**, Army Corps of Engineers Philadelphia District. To construct and maintain a channel change having a length of approximately 600 feet in a tributary to the Lehigh River consisting of the following: 1) a grass-lined trapezoidal channel with a minimum depth of 18 inches, a bottom width of 10 feet and 4 to 1 side slopes; 2) six (6) R-5 riprap stepped, energy dissipators with heights varying from 2 to 4 feet spaced uniformly along the main channel; and 3) approximately 150 feet of R-4 riprap lining at the end of the channel change. The project is located just north of the intersection of S. R. 2012 (Island Park Road) and S. R. 2010 (Tumble Creek Road). Issuance of this permit constitutes approval of the Environmental Assessment for a non-jurisdictional stormwater management dam proposed at the project site. (Nazareth, PA Quadrangle N: 2.65 inches; W: 1.85 inches).

**E40-548. Sun Pipe Line Company, Inc.,** 1801 Market Street, 26th Floor, Philadelphia, PA 19103. Hunlock Township, **Luzerne County**, Army Corps of Engineers Baltimore District. To remove approximately 70 feet of 6-inch diameter gas pipeline and abandon approximately 65 feet of 6-inch diameter gas pipeline in the 100-year floodway of a tributary to Hunlock Creek within the existing pipeline right-of-way and to construct and maintain a new segment of 6-inch diameter gas pipeline crossing under a tributary to Hunlock Creek, approximately 40 feet upstream of the existing crossing. The work includes open cut trenching in said tributary to provide a minimum of 5 feet of cover over the new pipeline and approximately 65 feet of R-5 riprap and 20 feet of gabion baskets to stabilize the streambanks. The project is located north of Township Road T518, just east of T532 (Nanticoke, PA Quadrangle N: 14.8 inches; W: 9.1 inches).

**E45-405. Robert Brown,** 708 Horizon Drive, Stroudsburg, PA 18360. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District. To place fill in 0.16 acre of wetlands for the purpose of constructing a single-family dwelling, attached garage, driveway and associated utility lines. The permittee is required to provide for 0.16 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on Lot 4, Block 2 of Maplewood Estates, along the north side of Long Woods Drive, approximately 0.5 mile northeast of the intersec-



tion of S. R. 0611 and S. R. 2016 (Phillips Street) (Stroudsburg, PA-NJ Quadrangle N: 21.8 inches; W: 10.9 inches).

**E40-549. Earth Conservancy**, 101 Main Street, Ashley, PA 18706-1506. Hanover Township, **Luzerne County**, Army Corps of Engineers Baltimore District. To remove the existing structures and to construct and maintain two road crossings of Sugar Notch Run for the purpose of providing access to an outdoor recreation complex known as the Luzerne County Recreation Area. The Lower Crossing consists of dual 72-inch-diameter culverts and the Upper Crossing, which is located approximately 3,400 feet upstream of the Lower Crossing, consists of dual 54-inch CMP culverts. The project includes the construction of an 18-inch stormwater outfall structure along the left bank of Sugar Notch Run, immediately downstream of the Lower Crossing. The Lower Crossing is located approximately 110 feet upstream of S. R. 2010 (Main Street) (Wilkes-Barre West, PA Quadrangle N: 14.5 inches; W: 4.9 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E28-284. Franklin County Commissioners**, 157 N. Second Street, Chambersburg, PA 17201 in Quincy Township, **Franklin County**, ACOE Baltimore District. To remove the existing County Bridge # 75 and to construct and maintain twin precast concrete box culverts each having spans of 13.0 feet and a rise of 4.5 feet in the West Branch Antietam Creek (CWF). Channel realignment and widening of approximately 75 linear feet of upstream and 75 linear feet of downstream channel section is proposed. The project is located on Mt. Zion Road (T-397) (Waynesboro, PA Quadrangle N: 13.9 inches; W: 10.2 inches).

**E28-283. Franklin County Commissioners**, 157 N. Second Street, Chambersburg, PA 17201 in Quincy Township, **Franklin County**, ACOE Baltimore District. To (1) remove the existing temporary County Bridge # 74 constructed under DEP Permit EP-28-00-101 and to construct and maintain twin pre-cast concrete box culverts each having a span of 11 feet with a rise of 4.75 feet, (2) construct an access road for the Sewer Authorities use in the West Branch of Antietam Creek (CWF); and, (3) channel realignment and widening of approximately 50 feet of upstream and 50 feet of downstream channel section located on Stamey Hill Road (T-399) (Waynesboro, PA Quadrangle N: 15.9 inches; W: 9.9 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E49-243. Lower Mahanoy Township Municipal Authority**, P. O. Box 235, Dalmatia, PA 17017-0235. Sewerage facilities, in Lower Mahanoy Township, **Northumberland County**, ACOE Baltimore District (Dalmatia, PA Quadrangle N: 5.42/3.7 inches; W: 0.1, 3.7/5.42 inches). To construct an 8-inch diameter PVC sanitary sewer pipe crossing at an unnamed tributary to Dalmatia Creek located north off of Hickory Road near Hickory Corners. To construct and maintain an 8-inch diameter PVC sanitary sewer pipe crossing Dalmatia Creek located north off of Hickory Road near the town of Dalmatia. To construct and maintain a 2-inch diameter PVC sanitary sewer force main crossing Dalmatia Creek located east off of George Street (SR 147) in the northern part of the town of Dalmatia. To construct and maintain a 10-inch diameter DIP effluent outfall discharge pipe at the eastern bank of the Susquehanna River, 1 mile south of the town of Dalmatia. To construct and maintain an 8-inch

diameter PVC sanitary sewer pipe crossing an unnamed tributary to the Susquehanna River, 1.1 mile south of the town of Dalmatia, to construct and maintain a sewage grinder pump station in the floodplain of Dalmatia Creek off SR 147 in the northern part of the Town of Dalmatia. The project is located in Dalmatia (Dalmatia, PA Quadrangle N: 5.42/3.7 inches; W: 0.1, 3.7/5.42 inches), in Lower Mahanoy Township, Northumberland County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-170. Department of Transportation**, P. O. Box 218, Montoursville, PA 17754. Bridge Replacement over North Branch Mahantango Creek, in Perry Township, **Snyder County**, ACOE Baltimore District (Richfield, PA Quadrangle N: 18.7 inches; W: 2.7 inches). To remove the existing bridge structure and to construct, operate and maintain a new single span bridge structure, which will have a span of 40 feet and a width of 30 feet over the North Branch of Mahantango Creek. The structure is located 0.2 miles north on SR 3005 from the intersection with SR 35. This permit was issued under section 105.13(e). This permit also includes 401 Water Quality Certification.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1327. Bennington Woods, Inc.**, 650 Smithfield Street, Suite 775, Pittsburgh, PA 15222. McCandless Township, **Allegheny County**, ACOE Pittsburgh District. To place and maintain fill in 0.05 acres of wetlands (PEM) located within the Little Pine Creek Watershed (TSF) for the purpose of constructing a single residential home. The project is located within the Bennington Woods development on the south side of Bennington Drive approximately 4,000 feet west of its intersection with Pressley Court. A prior encroachment impacted 0.06 acres of wetlands, with this encroachment the total wetland impact will be 0.11 acres. (Glenshaw, PA Quadrangle N: 10.3; W: 16.7 inches).

**E02-1337. Sto-Rox School District**, 17 May Avenue, McKees Rocks, PA 15136. Kennedy Township, **Allegheny County**, ACOE Pittsburgh District. To place and maintain fill in 0.062 acre of wetlands (PEM) adjacent to an unnamed tributary to the Ohio River (WWF) for the purpose of constructing the proposed Sto-Rox Middle School. The project is located on the east side of Ewing Road, approximately 2,500 feet northwest from the intersection of Ewing Road and Grace Street (Pittsburgh West, PA Quadrangle N: 21.1 inches; W: 13.1 inches). This permit also authorizes the construction and maintenance of an 18-inch diameter outfall structure. The applicant has met the wetland replacement requirement by contributing to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Project.

**E11-288. Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648. Portage Township, **Cambria County**, ACOE Pittsburgh District. To remove the existing structure and to construct and maintain a bridge having two normal clear spans of 13.99 m each and an underclearance of 2.07 m across Little Conemaugh River (CWF) on S. R. 164, Section 04B, Segment 0100, Offset 2911. Also to maintain a temporary bridge authorized by Emergency Permit EP 1100202 over said river and to place and maintain fill in a de minimum area of palustrine emergent wetland equal to 0.0064 acre. The project includes construction and maintenance of an outfall structure (Ebensburg, PA Quadrangle N: 3.9 inches; W: 6.0 inches).

**E26-280. Stanley Klink**, P. O. Box 275, Dunbar, PA 15431-1517. Dunbar Township, **Fayette County**, ACOE Pittsburgh District. To operate and maintain 370 linear feet chain link fence along Gist Run (TSF) located at the intersection of Church Hill Road and Pechin Road (South Connellsville, PA Quadrangle N: 17.1 inches; W: 16.1 inches).

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E20-493. French Creek Project**. Box 172 Allegheny College, Meadville, PA 16335. Learning Center Pavilion, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 6.2 inches; W: 6.25 inches). To construct and maintain a picnic pavilion measuring 40 feet wide by 40 feet long within the mapped FEMA 100-year floodway of French Creek approximately 500 feet from the west bank of the stream on property owned by Crawford County Properties, Inc. 900 feet east of Mosiertown Road approximately 0.5 mile north of Dunham Road.

**E61-239, PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA. S. R. 0062, Segment 0600, Offset 1408 Across Slate Run, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 8.1 inches; W: 2.8 inches). To install 1-foot-thick concrete paving 0.5 foot below the existing stream bed and maintain the reinforced concrete arch having a clear span of 8 feet and an underclearance of 6.33 feet across Slate Run on S. R. 0062, Segment 0600, Offset 1408 approximately 2.1 miles north of S. R. 157.

**E61-240, PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16323. S. R. 1009, Section SPA, Segment 0050, Offset 0380 Across Benninghof Run, in Cherrytree Township, **Venango County**, ACOE Pittsburgh District (Titusville South, PA Quadrangle N: 9.0 inches; W: 7.8 inches). To place concrete streambed paving and maintain the concrete slab bridge having a clear span of 10 feet and an underclearance of 3.4 feet across Benninghof Run on S. R. 1009, Section

SPA, Segment 0050, Offset 0380 approximately 1.1 miles east of S. R. 8.

**E61-241, PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16323. S. R. 1009, Section SPA, Segment 0050, Offset 0471 Across Tributary to Benninghof Run, in Cherrytree Township, **Venango County**, ACOE Pittsburgh District (Titusville South, PA Quadrangle N: 9.0 inches; W: 7.8 inches). To place concrete paving approximately 6 inches below the streambed and maintain the concrete slab bridge having a clear span of 7 feet and an underclearance of 4.6 feet across a tributary to Benninghof Run on S. R. 1009, Section SPA, Segment 0050, Offset 0471 approximately 1.1 miles east of S. R. 8.

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**EA25-002CO. Corry Area Industrial Development Corporation**, 1524 Enterprise Road, Corry, PA 16407. Wayne Township, **Erie County**, ACOE Pittsburgh District. To construct a nonjurisdictional dam in the watershed of Hare Creek (WWF) impacting a deminimis area of wetlands (PEM) equal to 0.04 acres for stormwater management. The proposed dam will be located in the Corry Industrial Park (Phase 2) (Corry, PA-NY Quadrangle, N: 12.45 inches; W: 1.40 inches).

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-51-007	Jane M. Besch Westway Terminal Company 365 Canal Street, Suite 2900 New Orleans, LA 70130	Philadelphia	Philadelphia City	1 AST storing Sulfuric Acid	70,000 gallons

## SPECIAL NOTICES

The Department of Environmental Protection (DEP) will hold a public meeting on June 28, 2001, at 7 p.m. at the Latrobe Elementary School Auditorium, 1501 Ligonier Street, Latrobe. The purpose of the hearing is to receive public comment on a draft National Pollution Discharge Elimination System (NPDES) permit for a Wal-Mart store being proposed in Unity Township near the intersection of Route 30 and Route 982. DEP will provide an overview of the NPDES stormwater construction permit which involves erosion and sedimentation controls and issues related to a water obstruction and encroachment permit, which proposes filling 1.75 acres of wetlands and relocation of approximately 1,000 feet of an unnamed tributary to Nine Mile Run.

Persons interested in testifying at the hearing should contact Betsy Mallison at (412) 442-4182 by June 26.

DEP will accept public comments following the hearing until July 6, 2001. Comments should be sent to Tim Dreier, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Mallison at (412) 442-4182 through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## PENNSYLVANIA PRIORITY LIST OF HAZARDOUS SITES FOR REMEDIAL RESPONSE

### 1. Background

The Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of Pennsylvania sites that are releasing or threatening the release of hazardous substances. Section

502(a) of HSCA (35 P. S. § 6020.502(a)) requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of Section 502(a) of HSCA, the Hazard Ranking System (HRS; 40 CFR Part 300, Appendix A), established under the Federal Superfund Act, as amended, is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement, and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued under HSCA section 502(c).

The HRS was developed by the United States Environmental Protection Agency (EPA) as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological, or environmental damage. It is the principal mechanism for placing a site of the National Priorities List (NPL), the list of priority releases for long-term remedial evaluation and response under the Federal Superfund Act. The HRS is calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater, surface water, air and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

- (1) Factors that indicate the presence or likelihood of a release to the environment
- (2) Factors that indicate the nature and quantity of the substances presenting the potential threat
- (3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure, or air pathways.

## 2. Summary and Purpose

Placement of a site on the PAPL is used to identify sites which need further study and/or remedial response decisions to address threats to the public health, safety, or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation

and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

## 3. Technical Evaluation Grants under Act 108

Under section 510 of HSCA, the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department of Environmental Protection regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed, however, the grant will not be effective until the proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

## Pennsylvania Priority List of Hazardous Sites for Remedial Response

### A. Effective Date

The sites listed are being placed on the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL) effective upon publication of this *Pennsylvania Bulletin*.

### B. Contact Persons

Individual site information may be obtained by contacting the Department's regional office in which the site is located whose address can be found in the Additional Information section of this notice.

### C. Statutory Authority

The Pennsylvania Priority List of Hazardous Sites for Remedial Response is published under the authority of section 502(a) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under 2 Pa.C.S. §§ 501—508 and 701—704, or the Environmental Hearing Board Act, (35 P. S. § 7511 et seq.), nor shall it confer a right or duty upon the Department or any person.

### D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the 30-day comment period for the sites being added with this publication. Written comments should be mailed to: Ruth Bishop, Hazardous Sites Cleanup Program, Department of Environmental Protection, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110.

The regional office site files contain all information considered by the Department in placing a site on the PAPL. Files are available for review in the appropriate

regional Field Operations Office, by appointment only, from 8 a.m. to 4 p.m. Monday through Friday excluding state holidays. Contact the regional Environmental Cleanup Program Manager, whose address can be found in the Additional Information section of this notice. The Department considers all written comments received during the formal comment period. All written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

#### E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice. The name of the site, HRS score, municipality, county, and DEP region are included in this table. Table 2 lists seven sites currently on the PAPL. Included is the site added by this notice. The name of the sites, HRS score, municipality, county, and the Department region are included in this table. The sites are listed in decreasing order of HRS scores.

#### F. Site Listing Summary

The Gettysburg Foundry Specialties Company (GFSC, to be listed by this notice as Gettysburg Foundry) is an inactive secondary aluminum foundry. The 49-acre site is located in a rural area of Cumberland Township, Adams County, four miles south of Gettysburg. From 1957 to 1997, the plant produced aluminum ingots from recycled aluminum. The aluminum dross fine waste produced during the process and the baghouse dust produced by the facility's air pollution control system were mixed and disposed in two unpermitted onsite pits. The first pit, used from 1968 until 1979, is about 1.75 acres in size with an average depth of 8 feet. The second pit, used from 1980 until 1988, is about 2 acres in size with an average depth of 17 feet. The company filed for Chapter 11 bankruptcy on February 20, 1996 and ceased operations on March 13, 1997.

The Department has completed an investigation of the hazardous substances and contaminants released at the site. The aluminum dross fine wastes are approximately 37% salt and contain aluminum, cadmium, chromium, and lead. It is reactive with water, generating ammonia gas and heat when wet. The baghouse dust is designated as a characteristically hazardous waste for cadmium and

lead. Groundwater is in contact with the dross waste in the pits and is contaminated with aluminum, ammonia, chromium, chlorides, lead, and sodium. Surface water quality in the vicinity and downgradient of the Foundry property exceeds the Water Quality Criteria for metals. Metal concentrations in sediments exceed the National Sediment Contaminant Point Source Inventory PEL (Probable Effects Level) and ERM (Effects Range-Median) values in a number of locations. Contamination, primarily ammonia and salt, has migrated into a wetland and areas of this wetland are devoid of plant life.

In 1997, the Department undertook a Prompt Interim Response to secure the site. The fence around the facility was repaired and piles of dross waste stored in the open were moved into a large room in the Foundry Building. In 1998, a second Prompt Interim Response was conducted to remove and dispose of the aboveground wastes at the site. This included drums of draw bench sludge and the piles of dross waste stored in the buildings.

On March 21, 1997, the Department issued an Order to GFSC. Under this Order, GFSC was to cease any and all unpermitted storage and/or disposal of waste, use and maintain hazardous waste manifests, conduct hazardous waste determinations on all waste stored at the site, store all wastes in accordance with regulations, properly dispose of all waste, and submit a plan for approval to delineate the extent of contamination. Although the company removed some waste from the site, they did not fully comply with this Order. The Attorney General's Office filed charges against the previous owners and operators of GFSC for environmental crimes in June 1999 and they plead guilty in March 2000. On November 4, 1998, the Department signed a Consent Order and Agreement with C. M. Metals to resolve site cleanup and liability prior to their obtaining the GFSC property. In April 1999, C.M. Metals purchased the site, but has not complied with the CO.

#### G. Additional Information

Department Of Environmental Protection, Southcentral Region, James Fleshier, Environmental Program Manager, Art Dalla Piazza, Chief, Hazardous Sites Cleanup Program, Ruth Bishop, Project Officer, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4705.

**Table 1**  
**Site Being Added by this Notice**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral

**Table 2**  
**Pennsylvania Priority List for Remedial Response**

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Dumont/New Castle	54.75	New Castle	Lawrence	Northwest
H. K. Porter	48.04	Hopewell Township	Beaver	Southwest
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral
F. E. Cooper	33.62	Broad Top Township	Bedford	Southcentral
Scholar	24.65	Richmond Township	Crawford	Northwest
Quakertown	22.25	Quakertown	Bucks	Southeast
Mun. & Ind. Disp.	19.58	Elizabeth Township	Allegheny	Southwest

[Pa.B. Doc. No. 01-906. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the public participation center. The "March 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

#### *Ordering Paper Copies Of DEP Technical Guidance*

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes To Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Draft Technical Guidance*

DEP ID: 391-0300-002 Title: Pennsylvania's Water Quality Antidegradation Implementation Guidance Description: The purpose of this document is to provide guidance to DEP staff and to aid the regulated community and the public in understanding the implementation of the antidegradation program in this Commonwealth. Also, the purpose of the Antidegradation Program is to protect existing and designated uses of all surface waters and to protect existing quality of High Quality and Exceptional Value waters. This document describes procedures proposed for use in administering the antidegradation component of Pennsylvania's Water Quality Standards as required under the Federal Clean Water Act. It applies to all persons conducting or planning to conduct activities that may impact surface waters in this Commonwealth. The Department will be holding a series of three public meetings/hearings on this draft guidance. For more information, refer to the related announcement in today's *Pennsylvania Bulletin*, found under the "Public Meetings/Hearings on Draft Antidegradation Guidance" heading. Comment Period Ends: July 31, 2001 Anticipated Effective Date: November 1, 2001

Note: The guidance and meeting/hearing notice is available on the DEP website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "Water Quality Assessment and Standards") Contact: Mary Houghton at (717) 787-9637 or email at [mhoughton@state.pa.us](mailto:mhoughton@state.pa.us).

DEP ID: 550-0300-001 Title: Oil and Gas Operator's Manual Description: This manual provides an overview of statutes and regulations of DEP and other agencies, DEP guidance and procedures, and recommended practices for drilling wells and producing crude oil and natural gas in this Commonwealth. Anticipated Effective Date: June 30, 2001 Comment Period Ends: June 25, 2001 Contact: Ron Gilius at (717) 772-2199 or email at [rgilius@state.pa.us](mailto:rgilius@state.pa.us).

### *Final Technical Guidance*

DEP ID: 012-5500-001 Title: 2002 Environmental Education Grants Manual Description: It is DEP's policy to provide schools, county conservation districts and non-profit groups (with a conservation/education mission) with the information necessary to participate in the DEP Environmental Education Grants Program. This updated manual provides information on applying for an Environmental Education Grant, as well as providing potential awardees as to what is involved once an Environmental Education Grant is made. Effective Date: May 26, 2001 Contact: Sandy Titel at (717) 772-1828.

DAVID E. HESS,  
Secretary

[Pa.B. Doc. No. 01-907. Filed for public inspection May 25, 2001, 9:00 a.m.]

### General NPDES Permit for Wet Weather Discharges from Combined Sewer Systems (PAG-6)

In compliance with the Clean Water Act (33 U.S.C.A. § 1251 et seq.) and The Clean Streams Law (35 P.S. §§ 691.1—691.101), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), 25 Pa. Code § 92.82 (relating to public notice and public hearing), the Department of Environmental Protection (Department) by this notice seeks public comments on the proposed revisions to the Pennsylvania General NPDES Permit for Wet Weather Discharges from Combined Sewer Systems (PAG-6), the Notice of Intent (NOI) and other related permit documents. The general permit being revised now was last issued August 12, 2000, and is scheduled to expire on August 11, 2005.

This is an amendment to the Department's NPDES CSO general permit (PAG-6) issued in compliance with 25 Pa. Code §§ 92.81—92.83 (relating to general NPDES permits; public notice and public hearing; and inclusion of individual dischargers in general NPDES permits). This general permit is consistent with the technical and substantive requirements in § 92.81(a)(1)—(8). Wet weather discharges from Combined Sewer Systems (CSOs) are eligible discharges for regulation under general permit because they:

- Deal with the same or similar systems (that is, combined sewer systems),
- Discharge the same type of wastes (that is, a combination of sewage and industrial waste pollutants),
- Generally require same effluent limitations or other conditions (that is, nine minimum controls (NMCs) and long term control plans (LTCPs) as effluent limitations, best management practices and special conditions),
- Require the same or similar monitoring conditions (that is, monthly and annual monitoring reports),
- Do not discharge toxic or hazardous pollutants,
- Can be appropriately controlled under general permits,
- Are not expected to individually or cumulatively cause significant adverse environmental impacts,
- Do not authorize discharge to waters classified as "special Protection" (that is, the general permit is not applicable in "special Protection" waters)

The proposed revisions are necessary to clarify the General NPDES Permit as it relates to EPA's CSO policy and to clarify previous language. There is no change to the current permit application fee of \$100 for general and \$500 for an individual permits. The following paragraphs summarize proposed revisions to the current permit documents:

(1) The permit was reformatted to comply with a standard outline format. Modifications to the existing language were made to page 2, paragraphs 5 and 6; page 3 item I.D., item I.E. and the last paragraph on page 5 to clarify previous language. In addition, changes were made to page 7, item IV.A; page 16, items III.D. and E.; and page 17, item IV.B.2.c. for clarification. Additional changes were made throughout the document to clarify language. These changes do not constitute major changes to the document, but rather, a clarification of prior language.

(2) The provisions of Part C item III.A. previously required that until completion of the implementation of the Long Term Control Plan, the Combined Sewer Overflow could not contain any pollutant in amounts or concentrations that cause or contribute to an instream excursion above State water quality standards. New language has replaced this existing language to clarify that the provisions of 25 Pa. Code § 93.6 apply.

The draft permit document package has been completed and is on file in the Department's Central Office in the Division of Wastewater Management, Bureau of Water Supply and Wastewater Management at the location noted. The draft documents are also available on DEP website at: [http://www.dep.state.pa.us/dep/deputate/watermgt/Wqp/Forms/Forms\\_Home.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/Wqp/Forms/Forms_Home.htm). The package can be obtained by writing to the following address or by calling the telephone number given: Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, e-mail address: [marymille@state.pa.us](mailto:marymille@state.pa.us).

This notice provides for a process and an opportunity for public comments and input in finalization of the proposed revisions. The Department of Environmental Protection invites public comments on the proposed revisions and any other recommended changes that should be made to the general permit and related documents. All comments must be submitted within 30 days from the date of the publication of this notice in the *Pennsylvania Bulletin*. If there is significant public interest in the general permit or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only the comments received within the specified period will be considered in the formulation of the final documents for this general permit. Persons wishing to comment should include their name, address, telephone number and a concise comment statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public interests and/or comments significant. Written comments should be submitted at the previous address. Comments will not be accepted by facsimile or on voice mail. Comments will also be accepted by e-mail and should be sent to: [rpatel@state.pa.us](mailto:rpatel@state.pa.us).

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment

period, the Department will review all submitted comments, prepare a written comments and response document (CRD) and prepare final documents package for this permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*. Anyone wishing to also receive a copy of the final documents may request them by contacting the previous addresses or telephone numbers.

DAVID H. HESS,  
Secretary

[Pa.B. Doc. No. 01-908. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Proposed Revisions to the State Implementation Plan for the Philadelphia Ozone Nonattainment Area; Public Hearings

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Department of Environmental Protection (Department) is seeking public comment on two State implementation plan (SIP) revisions for the Philadelphia ozone nonattainment area (Bucks, Chester, Delaware, Montgomery and Philadelphia counties).

The United States Environmental Protection Agency (EPA) has asked the Commonwealth to submit additional information on the analysis of additional reasonably available control measures that would advance the ozone attainment date for the Philadelphia area. The first SIP revision demonstrates to EPA that the Department considered additional control measures by clarifying relevant documentation previously submitted to EPA.

The second SIP revision establishes a new 2005 motor vehicle emission budget for 2005 for the purposes of transportation conformity. Areas must include in their SIPs all control measures which will be in place by the attainment year and which are assumed in the air quality attainment demonstration. This proposed SIP includes emission reductions attributable to the Federal new car program (Tier 2/Low Sulfur) that begins with the 2004 model year.

These proposals are available on the Department's website at <http://www.dep.state.pa.us>, choose Information by Subject/Air Quality/State Implementation Plans, or through the contact persons listed.

The Department will hold two consecutive public hearings to receive comments on the SIP revision on Thursday, June 28, 2001, at 1 p.m. and 2 p.m., respectively, at the Department of Environmental Protection, Southeast Regional Office Hearing Room, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA.

Persons wishing to present testimony at the hearing should contact Connie Cross, (717) 787-9495 (P. O. Box 8468, Harrisburg, PA 17105) to reserve a time. Persons who do not reserve a time will be able to testify after preregistrants. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding, should contact Wick Havens at (717) 787-9495. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments should be sent to Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 no later than close of business on June 29, 2001.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-909. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Public Meetings/Hearings on Draft Antidegradation Guidance

The Department of Environmental Protection (DEP) is holding a series of three public meetings/hearings on its draft Antidegradation Implementation Guidance. This document describes procedures proposed for use in administering the antidegradation component of Pennsylvania's Water Quality Standards as required under the Federal Clean Water Act. The Guidance was developed by DEP's Bureau of Water Supply and Wastewater Management and is available on the DEP website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "Water Quality Assessment and Standards") or can be obtained by contacting Mary Houghton at DEP Office of Water Management, Bureau of Water Supply and Wastewater Management, Division of Water Quality Assessment and Standards, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637 or [mhoughton@state.pa.us](mailto:mhoughton@state.pa.us).

The purpose of the Antidegradation Program is to protect existing and designated uses of all surface waters and to protect existing quality of High Quality (HQ) and Exceptional Value (EV) waters. This implementation guidance provides a general description of the program and its legislative history, an explanation of existing and designated uses and presents discussion on the following topics:

- 1) Processing of petitions, evaluations and assessments to change a designated use;
- 2) Qualifying as HQ or EV waters;
- 3) Protection of HQ and EV waters including nondischarge alternatives, nondegrading discharge alternatives and minimum technology-based standards (antidegradation best available combination of technologies);
- 4) Social or economic justification needed to lower water quality;
- 5) Nonpoint source controls; and
- 6) Public participation during implementation of antidegradation requirements.

The public meetings/hearings will be held as follows:

July 17, 2001  
Conley Resort Inn  
740 Pittsburgh Road  
Butler, PA 16002  
(724) 586-7711

July 18, 2001  
Clarion Inn  
13015 Ferguson Valley Road  
(Burnham/Yeagertown Exit off of 322)  
Burnham, PA 17009  
(717) 248-4961

July 19, 2001  
Days Inn  
1151 Bulldog Drive  
Allentown, PA 18105  
(610) 395-3731

Each public meeting will begin at 6:30 p.m. on the date scheduled and will be followed by a public hearing that will begin no later than 7:30 p.m. During these public meetings, DEP will provide a short summary of the guidance and answer questions. The hearings will offer an opportunity for formal testimony.

Persons wishing to present oral testimony at any of these hearings are requested to contact Mary Houghton at least 1 week in advance of the hearing to reserve a time slot. Oral testimony is limited to 10 minutes for each witness, and each organization is limited to one witness. Witnesses are requested to submit three written copies of their testimony to the chairperson at the hearing.

Written comments may be submitted in place of or in addition to oral testimony and should include the name, address and telephone number of the person submitting them. Written comments will be accepted by postal or electronic mail at the addresses previously listed. Comments submitted by facsimile or voice mail will not be accepted.

The comment period extends through July 31, 2001, and comments and testimony received by that date will be considered in the formulation of final guidance for the Antidegradation Program, which will be announced in the *Pennsylvania Bulletin*.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mary Houghton at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654 5988 (voice) to discuss how DEP may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-910. Filed for public inspection May 25, 2001, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selection

The Selections Committee (Committee) will meet to consider selection of Design Professionals for the following project which received an insufficient number of applications for consideration by the Committee at its public meeting on April 18, 2001:

*Project No. DGS 960-27—Restoration of Exterior Masonry of Main Building, Pennsylvania Soldiers' and Sailors' Home, Erie, Erie County, PA. Construction Cost: \$917,000. The scope of work includes, but is not limited to, renewing broken/cracked/spalled brick. Repoint window sill, cast stone band course and corner joints. (See Note under Requirements and Information regarding Previous Applications.)*

### Requirements and Information

#### *Note—Previous Applications*

Eligible applications for Project No. DGS 960-27 which were submitted for the April 18, 2001, meeting will be presented to the Committee for review at its upcoming July, 2001, meeting.

#### *Note—Project Program*

A Project Program, prepared by the Using Agency, is available for the following project: DGS 960-27. A Project Program is available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department of General Services' (Department) Home Page at [www.dgs.state.pa.us](http://www.dgs.state.pa.us). A copy of the Project Program may be obtained upon request to the Selections Committee, Department of General Services, Room 103, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468 or via e-mail by addressing a request to [pbianchi@state.pa.us](mailto:pbianchi@state.pa.us).

#### *Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP, shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 103, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections website of the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to [pbianchi@state.pa.us](mailto:pbianchi@state.pa.us).

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7—9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7—9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Color photo copies are acceptable;

however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resumes of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c), must be received on or before the close of business (5 p.m.) Friday, June 8, 2001, and addressed to the Selections Committee, Department of General Services, Room 103, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the previous project. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

(g) In accordance with Act 57 of 1998, where the amount of Base Construction Allocation (Construction Cost) is in excess of or equal to \$20 million, the fee to be paid to the design professional and the terms of the contract between the design professional and the Department shall be negotiated.

#### *Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Committee. The Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under Act 57 of May 15, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-911. Filed for public inspection May 25, 2001, 9:00 a.m.]



## Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services, under the authority contained in Act 48 of 1981 amending the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929, has published a proposed property disposition plan for review by the public and approval of the Legislature. The proposed plan is available for review at [www.dgs.state.pa.us/realestate/re.htm](http://www.dgs.state.pa.us/realestate/re.htm).

Persons wanting to comment on the proposed plan should do so in writing to Michael Adams, Department of General Services, Bureau of Real Estate, Room 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice. Correspondence should include the name and address of the writer and "Property Disposition Plan" should be noted in the lower right corner of the envelope. If more detailed information is desired concerning a particular property, written requests may also be directed to previously noted address.

GARY E. CROWELL,  
Secretary

### General Description of Properties

This property disposition plan is only a proposal to offer for sale the following described real property.

#### Offering No. 1

*Haverford State Hospital*—The property consists of 212.55 acres and 21 buildings. The property is located on Marple Road, Haverford, PA.

#### Offering No. 2

*Western Center*—The property consists of 221.76 acres and 32 buildings. The property is located at 333 Curry Hill Road, Canonsburg, PA.

#### Offering No. 3

*Bensalem Youth Development Center*—The property consists of approximately 111 acres and eight buildings. The property is located on Trevoise Road, Bensalem Township, PA.

#### Offering No. 4

*Trevoise State Police Barracks*—The property consists of 3.1 acres and one building. The property is located on Trevoise Road, Bensalem Township, PA.

#### Offering No. 5

*Lycoming County Job Center*—The property consists of 0.85 acre and one building. The property is located at 1300 Sheridan Street, Williamsport, PA.

#### Offering No. 6

*Fayette County Job Center*—The property consists of 0.48 acre of land and one building. The property is located at 32 Iowa Street, Uniontown, PA.

#### Offering No. 7

*Butler County Job Center*—The property consists of 0.44 acre of land and one building. The property is located at 227 West Cunningham Street, Butler, PA.

The Department is not guaranteeing to sell any or all of the referenced property. Final determination of sale will

be conditioned upon approval from the Legislature and responses received from this notice.

[Pa.B. Doc. No. 01-912. Filed for public inspection May 25, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Draft Abstinence Based Education and Related Services Grant Application for Federal Fiscal Year 2002

The Department of Health (Department) is making copies available of the draft Abstinence Based Education and Related Services Grant Application for Federal Fiscal Year 2002. This application is the Commonwealth's draft request to the United States Department of Health and Human Services for funds to operate an abstinence education and related services plan and program as set out in 42 U.S.C.A. §§ 705(a)(5)(f) and 710(c)(2).

The application describing proposed services, program goals, objectives and activities can be obtained on the Department website at <http://www.health.state.pa.us/php> or by calling the Division of Maternal and Child Health at (717) 772-2762. Persons with a disability who require an alternative format of the previously mentioned application (that is, large print, audio tape or Braille) should also contact the Division of Maternal and Child Health at (717) 772-2762, TDD: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5584 [TT].

Written comments will be accepted and should be sent to the Division of Maternal and Child Health, Room 725 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, and should be received no later than 4 p.m., Monday, June 25, 2001.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 01-913. Filed for public inspection May 25, 2001, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to Nursing Facilities; April 1, 2001 Final Rates

The purpose of this notice is to announce final payment rates based on case-mix index (CMI) adjustments only, for nursing facilities beginning April 1, 2001, in accordance with section 1902(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 1902(a)(13)(A)), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33). An April 1, 2001, Proposed Rates Notice was published at 31 Pa.B. 1810 (March 31, 2001) and provided for a 30-day comment period. The Department of Public Welfare (Department) did not receive any comments on the proposed April 1, 2001, rate notice.

*Rates*

The final April 1, 2001, rates are available at the local County Assistance Offices throughout this Commonwealth, on the Office of Medical Assistance Programs' web site at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2525.

*Methodology*

The methodology that the Department used to set the final rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

*Justification*

The justification for establishing the final rates is that the regulations at 55 Pa. Code Chapter 1187 and the Commonwealth's approved Title XIX State Plan require that rates be set on a quarterly basis.

*Appeals*

Nursing facilities may appeal their final rates under 55 Pa. Code § 1187.141(a)(7). Under 55 Pa. Code § 1187.141(c)(2), appeals must be filed within 30 days of the date of the Department's letter notifying the facility of its final rates. The filing of an appeal constitutes the exclusive way by which a nursing facility can present the Department with a demand that a final rate be modified, reversed, rescinded or otherwise altered, or with a demand that the Department increase the amount of reimbursement paid to the facility under that rate.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 1999-2000 based on these final rates is \$0.263 million (\$0.122 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-289. (1) General Fund; (2) Implementing Year 2000-01 is \$122,000; (3) 1st Succeeding Year 2001-02 is \$133,000; 2nd Succeeding Year 2002-03 is \$133,000; 3rd Succeeding Year 2003-04 is \$133,000; 4th Succeeding Year 2004-05 is \$133,000; 5th Succeeding Year 2005-06 is \$133,000; (4) 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; 1997-98—\$617,252,000; (7) Medical Assistance-Long Term Care; (8) recommends adoption. Funds are included in the budget for this purpose.

[Pa.B. Doc. No. 01-914. Filed for public inspection May 25, 2001, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Super Lucky 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Super Lucky 7's.

2. *Price:* The price of a Pennsylvania Super Lucky 7's instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Super Lucky 7's instant lottery game ticket will contain seven play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6 and Game 7. Each game is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWLV), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$30\$ (THIRTY), \$77\$ (SVY SVN), \$117\$ (HUNSVNTN), \$777\$ (SNHNSVYSN) and \$255,500\$ (\$700/DY/YR).

(c) The play symbols and their captions located in the "Yours" area and "Theirs" area for Game 2 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(d) The play symbols and their captions located in the play area for Game 3 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(e) The play symbols and their captions located in the play area for Game 4 are: Money Symbol (MONEY), Moneybag Symbol (MNYBG), Pot of Gold Symbol (PTGLD), Gold Bar Symbol (GOLD), Coins Symbol (COINS), Coin Symbol (COIN), Crown Symbol (CROWN), Rabbit Foot Symbol (RBFTF), Horse Shoe Symbol (SHOE), Star Symbol (STAR), Diamond Symbol (DIMND) and Dollar Sign Symbol (DLRSN).

(f) The play symbols and their captions located in the play area for Game 5 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(g) The play symbols and their captions located in the "Fast \$17" area for Game 6 are: \$17\$ (SVNTN) and TRY AGAIN.

(h) The play symbols and their captions located in the "Lucky Number" area and the "Your Numbers" area for Game 7 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" areas for Games 2, 3, 4, 5 and 7 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWLV), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$30\$ (THIRTY), \$77\$ (SVY SVN), \$117\$ (HUNSVNTN), \$777\$ (SNHNSVYSN) and \$255,500\$ (\$700/DY/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$6, \$7, \$10, \$12, \$15, \$17, \$20, \$27, \$30, \$77, \$117, \$777 and \$255,500 (\$700 a day for one year). A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Super Lucky 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching play symbols of \$255,500 (\$700/DY/YR) in the play area on a single ticket, shall be entitled to a prize of \$255,500.

(2) Holders of tickets with three matching play symbols of \$777 (SNHNSVYSN) in the play area on a single ticket, shall be entitled to a prize of \$777.

(3) Holders of tickets with three matching play symbols of \$117 (HUNSVNTN) in the play area on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with three matching play symbols of \$77\$ (SVY SVN) in the play area on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets with three matching play symbols of \$27\$ (TWY SVN) in the play area on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching play symbols of \$17\$ (SVNTN) in the play area on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with three matching play symbols of \$12\$ (TWLV) in the play area on a single ticket, shall be entitled to a prize of \$12.

(11) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets with three matching play symbols of \$7<sup>00</sup> (SVN DOL) in the play area on a single ticket, shall be entitled to a prize of \$7.

(13) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area on a single ticket, shall be entitled to a prize of \$6.

(14) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$255,500 (\$700/DY/YR) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$255,500.

(2) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$777 (SNHNSVYSN) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$777.

(3) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$117 (HUNSVNTN) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$77\$ (SVY SVN) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$30\$ (THIRTY) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$27\$ (TWY SVN) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$17\$ (SVNTN) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$12\$ (TWLV) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$12.

(11) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$7.

(13) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$6.

(14) Holders of tickets where the "Yours" number is greater than the "Theirs" number, in the same "Row," and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "Row," on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal and a prize play symbol of \$255,500 (\$700/DY/YR) appearing in

prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Game 4 are:

(1) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$255,500 (\$700/DY/YR) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$255,500.

(2) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$777 (SNHNSVYSN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$777.

(3) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$117 (HUNSVNTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$77\$ (SVY SVN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$30\$ (THIRTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$27\$ (TWY SVN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$17\$ (SVNTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$12\$ (TWLV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(11) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(13) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(14) Holders of tickets with three matching play symbols in the play area and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for Game 5 are:

(1) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$255,500 (\$700/DY/YR) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$255,500.

(2) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$777 (SNHNSVYSN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$777.

(3) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$117 (HUNSVNTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$77\$ (SVY SVN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$30\$ (THIRTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$27\$ (TWY SVN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$20\$ (TWENTY) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$17\$ (SVNTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$15\$ (FIFTN) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$12\$ (TWLV) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$12.

(11) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(13) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(14) Holders of tickets with two matching play symbols of 7 (SEVEN) in the play area and a prize play symbol of

\$5.<sup>00</sup> (FIV DOL) appearing in the "Prize" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets with a \$17\$ (SVNTN) play symbol in the "Fast \$17" area for Game 6, on a single ticket, shall be entitled to a prize of \$17.

(g) Determination of prize winners for Game 7 are:

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$255,500 (\$700/DY/YR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$255,500.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$777 (SNHNSVYSN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$777.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$117 (HUNSVNTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$77\$ (SVY SVN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$27\$ (TWY SVN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$17\$ (SVNTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$17.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$12\$ (TWLV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(14) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
\$5	\$5	1:8.57	280,000
\$6	\$6	1:23.08	104,000
\$7	\$7	1:60	40,000
\$5 x 2	\$10	1:85.71	28,000
\$10	\$10	1:300	8,000
\$5 + \$7	\$12	1:300	8,000
\$6 x 2	\$12	1:600	4,000
\$12	\$12	1:300	8,000
\$5 x 3	\$15	1:300	8,000
\$10 + \$5	\$15	1:300	8,000
\$15	\$15	1:600	4,000
Fast \$17	\$17	1:15	160,000
\$10 + \$7	\$17	1:600	4,000
\$17	\$17	1:600	4,000
\$7 x 2 + \$6	\$20	1:600	4,000
\$5 x 4	\$20	1:600	4,000
\$5 x 2 + \$10	\$20	1:600	4,000
\$10 x 2	\$20	1:600	4,000
\$20	\$20	1:600	4,000
\$12 + \$15	\$27	1:600	4,000
\$6 x 2 + \$5 x 3	\$27	1:600	4,000
\$20 + \$7	\$27	1:600	4,000
\$5 x 3 + \$12	\$27	1:600	4,000
\$27	\$27	1:600	4,000
\$20 + \$10	\$30	1:2,400	1,000
\$5 x 6	\$30	1:4,800	500
\$6 x 5	\$30	1:4,800	500
\$12 x 2 + \$6	\$30	1:2,400	1,000
\$10 x 3	\$30	1:4,800	500
\$10 x 2 + \$5 x 2	\$30	1:2,400	1,000
\$30	\$30	1:4,800	500
Fast \$17 + \$20 x 3	\$77	1:4,800	500
Fast \$17 + \$10 x 6	\$77	1:4,800	500
\$27 + \$10 x 5	\$77	1:12,000	200
\$77	\$77	1:12,000	200
Fast \$17 + \$20 x 5	\$117	1:60,000	40
\$10 x 2 + \$7 + \$30 x 3	\$117	1:120,000	20
\$10 x 4 + \$77	\$117	1:120,000	20
\$20 x 2 + \$77	\$117	1:120,000	20
\$20 + \$7 + \$15 x 6	\$117	1:120,000	20
\$117	\$117	1:120,000	20
\$777	\$777	1:120,000	20
\$700/Day/1 Year	\$255,500	1:1,200,000	2

Game #1—Get 3 like amounts, win that prize

Game #2—When Your Number beats Their Number, win prize for that Row

Game #3—Get three "7" symbols in a row, column or diagonal, win prize shown

Game #4—Get 3 like symbols, win prize in the prize box

Game #5—Get 2 "7" symbols, win prize shown

Game #6—Reveal \$17 prize amount, win \$17 instantly

Game #7—When any of Your Numbers match the Lucky Number, win prize shown under the matching number

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Super Lucky 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Super Lucky 7's, prize money from winning Pennsylvania Super Lucky 7's instant lottery game tickets will be retained by the Secretary for

payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Super Lucky 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Super Lucky 7's or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-915. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Realty Transfer Tax; 2000 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2000. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2001, to June 30, 2002, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	2.60	Elk	5.44	Montour	10.64
* Allegheny	1.00	Erie	12.20	Northampton	2.11
Armstrong	2.30	** Fayette	3.33	** Northumberland	7.35
Beaver	2.85	Forest	4.08	* Perry	1.00
** Bedford	4.27	** Franklin	5.80	Philadelphia	3.48
Berks	1.06	Fulton	6.80	Pike	3.46
Blair	9.90	Greene	3.83	Potter	9.26
Bradford	2.17	Huntingdon	5.71	Schuylkill	2.17
Bucks	24.39	Indiana	6.67	Snyder	5.53
Butler	8.48	Jefferson	5.16	Somerset	2.23
Cambria	5.75	Juniata	7.58	Sullivan	4.13
Cameron	2.49	Lackawanna	4.79	Susquehanna	2.11
* Carbon	2.00	Lancaster	1.09	Tioga	3.18
Centre	2.39	Lawrence	6.02	Union	5.59
Chester	1.17	Lebanon	10.99	* Venango	1.00
Clarion	4.79	Lehigh	2.12	Warren	2.69
Clearfield	4.46	Luzerne	12.99	Washington	5.65
Clinton	3.37	Lycoming	1.44	Wayne	11.36
Columbia	2.81	McKean	4.20	Westmoreland	4.33
Crawford	2.82	Mercer	10.87	Wyoming	3.55
* Cumberland	1.00	Mifflin	1.89	York	1.09
Dauphin	1.85	Monroe	4.41		
Delaware	1.03	Montgomery	1.12		

\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2001.

\*\* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2001.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-916. Filed for public inspection May 25, 2001, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Allegheny County

Pursuant to the provisions of 71 P. S. § 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to make improvements to Campbells Run Road, and construct a new interchange at Settler's Cabin in Robinson and Collier Townships, Allegheny County. The proposed improvements to the facility will include the upgrade of Campbells Run Road from two lanes to three and four lanes along portions of the roadway. The proposed Settler's Cabin Interchange includes the construction of new westbound ramps connecting directly to Campbells Run Road from U.S. 22/30. The improvements will also include new eastbound ramps connecting to the proposed Ridge Road Connector. The proposed actions will provide sufficient access to the surrounding roadway network, provide adequate capacity to accommodate existing and projected traffic volumes, and improve the geometric features of the existing roadway.

No adverse environmental effect is likely to result from the construction of this interchange, and associated road-work.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-917. Filed for public inspection May 25, 2001, 9:00 a.m.]

## Finding Huntingdon County

Pursuant to the provisions of 71 P. S. § 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing bridge carrying SR 522 over the Blacklog Creek, improve the intersection of SR 522 & SR 2017, and improve the intersection of SR 522 & T-359 (Quarry Hill Road) in Cromwell Township, Huntingdon County. The project will require the acquisition of 0.2 hectare (0.5 acre) from the East Broad Top Railroad National Historic Landmark, and will impact 82 linear meters (270 linear feet) of the abandoned railroad bed of the National Register eligible Shade Gap Branch of the East Broad Top Railroad.

Information describing the project together with the associated environmental analysis is contained in the

Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

Based upon studies, there is no prudent and feasible alternative to the acquisition of 0.2 hectare (0.5 acre) from the East Broad Top Railroad National Historic Landmark and impacts to 82 linear meters (270 linear feet) of the National Register eligible Shade Gap Branch of the East Broad Top Railroad.

I have considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-918. Filed for public inspection May 25, 2001, 9:00 a.m.]

# FISH AND BOAT COMMISSION

## Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7, the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of more than 5 acres is currently undergoing staff review:



<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Mike Kaufman	Lake Merriman	Muddy Creek Township Butler County	8-acre lake on unnamed tributary to Little Yellow Creek	Myriophyllum spp. Typha spp. Filamentous Algae

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 01-919. Filed for public inspection May 25, 2001, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Request for Proposals

The Housing Finance Agency (Agency) is announcing the availability of funds for the Ancillary Facilities Serving Homeless Population Demonstration Program. The Agency has set aside \$1.5 million to provide funding to qualified organizations to develop, construct, operate and maintain ancillary facilities necessary for providing services, such as job training, education, child care, health care and/or other supportive services, to homeless individuals and families. The proposed facilities must be in proximity to housing facilities financed through the Agency and the services to be provided must be available to residents residing in Agency funded housing developments.

Funding will be made available on a competitive basis based upon responses to the request for proposals from qualified organizations. Requests for copies of the request for proposals may be directed to Housing Finance Agency, Attn: Charlotte Nelson, 2101 N. Front Street, Harrisburg, PA 17110, (717) 780-3911, TDD (717) 780-1869.

Additional information may be published, from time to time, on the Agency's website at [www.phfa.org](http://www.phfa.org).

Completed proposals must be delivered to the Agency before noon on August 31, 2001. It is anticipated that the funds will be committed no later than October 2001.

Upon submission of the proposal to the Agency, the proposal material shall become the property of the Agency. The Agency reserves the right to amend, modify or discontinue the Ancillary Facilities Serving Homeless Population Demonstration Program at any time.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 01-920. Filed for public inspection May 25, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P.S. § 745.5(d) and (g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the

Commission may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)).

The Commission issued Comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-516	State Board of Nursing General Revisions of the Professional Nursing Provisions	05/11/01	04/11/03

### State Board of Nursing Regulation No. 16A-516 General Revisions of the Professional Nursing Provisions

May 11, 2001

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The State Board of Nursing (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 11, 2003, the regulation will be deemed withdrawn.

#### 1. Section 21.1. Definitions.—Clarity; Feasibility.

##### *Accredited program*

We have two issues. First, we could not find this term used either in existing Chapter 21 or the proposed amendments. Is this definition needed? Second, if this term is applied to existing nursing education programs, do they meet this definition?

##### *Compliance review*

This definition refers to "guidelines of the Board." Where can these guidelines be found?

#### 2. Section 21.21. Application for examination.—Clarity.

The Board is eliminating the existing 2-week time period for out-of-State candidates to file transcripts. The Board should specify when the transcript is required.

#### 3. Section 21.31. Compliance reviews; list of approved schools.—Clarity.

The Preamble is clear regarding how the Board conducts compliance reviews of nursing education programs under subsection (a). However, the wording of the regulation is unclear concerning how the reviews differ between

accredited and nonaccredited programs. The Preamble explains the accrediting process, but the regulation is silent. The final regulation should define "accredited" or specify the process in this section. For clarity, the Board should also consider using separate subsections for accredited and nonaccredited programs.

Subsection (b) specifies that the Board will compile and publish an annual list of approved nursing education programs. The regulation should state when and where the list will be published. We also question whether the information relating to the percentage of graduates passing the standard examination for a particular nursing education program is available?

#### **4. Section 21.33. Types of approval.—Clarity.**

Paragraph (1) states "the Board may grant initial approval to a new nursing education program, with evidence that acceptable standards are being met, for a period of time necessary to evaluate the results. . . ." Paragraph (3) states "the Board may place on provisional approval a nursing education program not meeting acceptable standards." We have two concerns.

First, what are acceptable standards? Are the "acceptable standards" the provisions of Subchapter A? The regulation should list the standards or provide a cross-reference to the specific standards a program must meet. Second, the Board should provide a specific amount of time to clarify the phrase "for a period of time necessary."

In addition, paragraph (3) states "[If] the standards are not met within a time designated by the Board. . . ." The Board should specify an amount of time in the regulation within which a nursing education program must meet the standards. Section 21.34(a) specifies that the Board will provide "90 days notice" of its intent to remove a nursing education program from the approval list. Adding a specific amount of time in paragraph (3) would be consistent with this provision.

#### **5. Section 21.34. Removal from approved list; percentage failure rate in examination.—Reasonableness; Protection of the public health, safety and welfare.**

We have three concerns with this section. First, in subsection (b)(2), the Board proposes to place a nursing education program on provisional approval status if, in one examination year, 20% or more of its graduates fail the licensure examination (NCLEX) on their first try. Currently, the regulation provides for nursing education programs to be placed on provisional approval status if 40% or more of the graduates fail the examination.

In its Preamble, the Board states that if the amendment was in effect, the following nursing education programs would be on provisional approval status:

- 6 out of 26 diploma programs;
- 11 out of 22 associate programs;
- 17 of 32 baccalaureate programs.

This projection raises serious concerns with existing nursing education programs and the reported nursing shortage in this Commonwealth. Will the 20% standard, based upon first time failure of licensure examinations, improve the quality of existing nursing education programs? The Preamble says that the Board believes "a number of programs are not providing sufficient support services for students which results in lower pass rates for their graduates." Did the Board consider implementing

more stringent requirements for programs to provide adequate support services?

Commentators have cited existing problems such as nursing shortages and falling enrollment rates in nursing education programs. If the amendment goes into effect, what impact would this have on the reported nursing shortage in this Commonwealth?

The House Professional Licensure Committee in their comments to the Board of April 24, 2001, raised several concerns with this proposed regulation. The Committee recommends that the Board "reconsider its proposal to raise the standard for program approval, in that this action would likely have an adverse impact on the shortage of nursing professionals." We concur with the concerns raised by the Committee.

Second, the regulation specifies in subsection (b)(2), that the 20% failure rate is to encompass "graduates taking the licensure examination for the first time." A commentator expressed concern with reliance on the first time a graduate takes the examination. Should consideration be given for example, to those who take the examination 6 to 12 months after graduation? Should the Board consider graduates that fail the exam the first time, but retake and pass the exam the second time within the year?

Third, subsection (b)(4) provides that the Board "may consider additional documented statistics concerning the examination scores received in other states by Commonwealth graduates in determining the approval status of the program." We have several questions.

What additional documents or statistics will the Board consider? Will this be done in a comprehensive manner that includes graduates who both pass and fail the examination? If this information could affect the Board's decision to place a program on provisional approval, the word "will" in subsection (b)(1) and (2) should be changed to "may."

#### **6. Section 21.41. Notification; completion of program; records.—Clarity.**

Subsection (c) provides that "a controlling institution is a university, college or hospital which conducts programs of education in nursing." The Board is defining the term "controlling institution" within the text of the regulation. The last sentence of subsection (c) should be removed and placed in § 21.1 (relating to definitions). Further, in § 21.71(a)(5), the Board uses the term "institution of higher education." Are the terms "controlling institution" and "institution of higher education" referring to the same institutions? If so, the term "controlling institution" should be used in both sections.

#### **7. Section 21.51. Establishment.—Reasonableness; Implementation procedures; Clarity.**

##### *Program director*

Subsection (b)(1)(vii) provides for a feasibility study to include a "job description for a full-time program director who meets the qualifications in § 21.71." We have two concerns with this section.

First, the reference in subsection (b)(1)(vii) should be more specific than just "Section 21.71." For example, it should direct the reader to § 21.71(a)(1) relating to full-time nurse administrator and § 21.71(b) relating to faculty and nurse administrator qualifications.

Second, the term "program director" has been changed in the proposed regulation to "nurse administrator" in § 21.71(a)(1) and (b). These terms should be consistent.

#### *Transitional programs*

Commentators state the amended regulation would not allow a hospital-based nursing education program to transition to an independent degree-granting program. The problem is that a new independent degree-granting program cannot be accredited until it graduates its first class of nursing students, even though it already existed as an accredited hospital-based nursing education program. The Board should explain how these programs would maintain Board approval in the transition to the new requirements.

#### **8. Section 21.71. Faculty and staff requirements.—Fiscal impact; Clarity.**

Subsection (a)(5) requires programs to have a "full-time librarian with at least a bachelor's degree in library science." Has the Board considered the fiscal impact on nursing education programs that may not currently meet the proposed criteria for a librarian?

Subsection (b)(6) consists of one lengthy sentence containing four conjunctions. For clarity, the Board should break this provision into more than one sentence.

#### **9. Section 21.72. Faculty policies.—Clarity.**

Subsection (f) requires faculty members to maintain a record of participation in continuing education, professional development and other activities. Should the program also be required to keep this record?

#### **10. Section 21.90. Curriculum philosophy, purposes and objectives.—Clarity.**

In subsection (a), the concluding phrase "at stated time intervals" is vague. How often should the faculty review or revise the curriculum philosophy, purposes and objectives?

#### **11. Section 21.90a. Core curriculum requirements.—Reasonableness; Clarity.**

Subsection (a)(1) only uses areas of nursing practice identified by the National Council of State Boards of Nursing. Commentators believe this is too restrictive and information such as feedback from graduates and employers should also be considered. Did the Board consider other sources of information?

#### **12. Section 21.90b. General education criteria.—Reasonableness; Clarity; Duplication.**

The standards in this section are vague and contain nonregulatory language. How will nursing education program administrators know if their programs comply with these criteria? How will the Board enforce these criteria?

Subsection (b) refers to "education principles." What "education principles" does this refer to and where can they be found?

In subsection (c), it is unclear what is required by the sentence "[C]onsideration shall be given to students' individual differences."

Subsection (f) contains vague language. What is an optimal ratio of students to faculty? What are "optimal learning opportunities"?

Subsection (g) appears to overlap subsection (e). Should the curriculum requirement in subsection (g) be moved to § 21.90a (relating to core curriculum requirements)?

#### **13. Section 21.91. Facility and resource requirements.—Reasonableness; Clarity.**

Subsection (b) contains subjective standards. Paragraph (1) uses the phrase "sufficient to meet the needs." Paragraphs (2)—(4) use the term "adequate." Paragraph (5)(iii) uses the term "current." How can a program know if it complies with these requirements? How does the Board intend to enforce these standards?

#### **14. Section 21.123. Access and use of records.—Need.**

Existing § 21.123 provides safeguards for personal information. Why is this section being deleted?

#### **15. Section 21.131. Evaluation.—Clarity.**

The first sentence states, "the program shall be evaluated. . . ." However, it does not state who has the responsibility to do the evaluation. Is this the responsibility of the nurse administrator or the faculty?

JOHN J. MCGINLEY,  
*Chairperson*

[Pa.B. Doc. No. 01-921. Filed for public inspection May 25, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Merger by Acquisition of Stock Without Hearing

**A-310800 F0007; A-310510 F2000; A-311095; and A-311095 F0002. Commonwealth Telephone Enterprises, Inc., Commonwealth Telephone Company, CTSI, Inc. and CTSI, LLC.** Application of Commonwealth Telephone Enterprises, Inc., Commonwealth Telephone Company, CTSI, Inc. and CTSI, LLC, for all approvals required under the Public Utility code for the transactions related to the restructuring of CTSI, Inc., including, inter alia, the associated acquisition by creation of a wholly-owned subsidiary, merger by acquisition of stock and provision and abandonment of service.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 11, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Commonwealth Telephone Company, CTSI, Inc. and CTSI, LLC

*Through and By Counsel:* David P. Zambito, Malatesta, Hawke and McKeon, Harrisburg Energy Center, 100

North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 01-922. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before June 18, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for the transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application, or both.

#### Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

**A-00117413, Folder 1, Am-A Homestead Taxi, LLC** (25 West Branch Road, Sellersville, Bucks County, PA 18960), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, in the borough of Sellersville, Bucks County: *So as to Permit* the transportation of persons upon call or demand, in the boroughs of Hatfield, Lansdale, Souderton, Telford and North Wales, and the townships of Montgomery, Hatfield, Upper Gwynedd, Lower Gwynedd, Towamencin, Whitpain, Worcester, Lower Salford and Franconia, all in Montgomery County.

#### Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *household goods* by *transfer* as described under each application.

**A-00117830 Bailey-Mac, Inc.** (3608 Orchard View Road, Reading, Berks County, PA 19606), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, from points in the city of Reading, Berks County, and within 8 miles by the usually traveled highways of the limits thereof, to points within 75 miles by the usually traveled highways of the limits of said city, and vice versa; and (2) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights authorized under the certificate issued at A-00112978 to Blank's Moving, Inc., subject to the same limitations and conditions. *Attorney:* Robert F. Roberts, 519 Walnut Street, P. O. Box 8551, Reading, PA 19603.

#### Notice of Motor Carrier Applications— Persons in Limousine Service

The following applications for authority to transport persons in **limousine service between points in Pennsylvania** have been filed with the Pennsylvania Public Utility Commission. The applications will be con-

sidered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before June 18, 2001.

#### **A-00117818 E. J. Enterprises, Inc.**

105 Sunset Drive  
Archbald, PA 18403

Mark S. Jennings  
303 10th Street  
Honesdale, PA 18431

AFFORDABLE LIMOUSINE INC  
845 SIR THOMAS COURT  
SUITE D-1  
HARRISBURG, PA 17112

In re: A-00113633C0001  
A-00113633

Dear Respondent:

On December 15, 2000, the Bureau of Transportation and Safety instituted a complaint against Affordable Limousine, Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00113633.

The complaint and notice were published in the February 24, 2001 Issue of the *Pennsylvania Bulletin*; to date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00113633C0001 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00113633 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

Very truly yours,  
James J. McNulty  
Secretary

### Service of Complaints

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. PMM Company; Doc. No. A-00102244C0101*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That PMM Company, respondent, maintains its principal place of business at 112 Station Street, Aliquippa, Beaver County, PA 15001.

2. That respondent was issued a certificate of public convenience by this Commission on October 30, 1980, at Docket No. A-00102244.

3. That respondent, on August 18, 2000, was sent an initial assessment of \$108. Respondent failed to pay the assessment; therefore, a balance was due of \$108.

4. That respondent has an outstanding assessment of \$108.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated 66 Pa.C.S. § 510(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience has been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan, Director

#### Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the publication date of this issue of the *Pennsylvania Bulletin*. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Audits, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of

Transportation and Safety will request the Commission to enter an order imposing the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Linda J. Allison, t/a Allison's Moving Service; Doc. No. A-00110878C0101*

#### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Linda J. Allison, t/a Allison's Moving Service, respondent, maintains her principal place of business at P. O. Box 811, Huntingdon, Huntingdon County, PA 16652.

2. That respondent was issued a certificate of public convenience by this Commission on April 14, 1994, at Docket No. A-00110878.

3. That respondent, on August 31, 1999, was sent an initial assessment of \$814. Respondent failed to pay the assessment; therefore, a balance was due of \$814.

4. That respondent, on August 18, 2000, was sent an initial assessment of \$974. Respondent failed to pay the assessment; therefore, a balance was due of \$1,788.

5. That respondent has an outstanding assessment of \$1,788.

6. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

7. That respondent, by failing to pay the assessment, violated 66 Pa.C.S. § 510(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience have been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience have been revoked.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to

prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan, Director

### Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the publication date of this issue of the *Pennsylvania Bulletin*. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Audits, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Commission to enter an order imposing the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Tri-State Armored Service, Inc.; Doc. No. A-00115548C0101*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Tri-State Armored Services, Inc., respondent, maintains its principal place of business at 219 North White Horse Pike, Hammonton, Atlantic County, New Jersey 08037.

2. That respondent was issued a certificate of public convenience by this Commission on December 15, 1999, at Docket No. A-00115548.

3. That, on August 18, 2000, the respondent was sent an initial assessment of \$4,388. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$4,388.

4. That respondent has outstanding assessments of \$4,388. Furthermore, respondent does not have current evidence of insurance on file with this Commission.

5. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessments, violated 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience have been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

George T. Mahan, Director

### Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the publication date for this issue of the *Pennsylvania Bulletin*. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessments and by providing current evidence of insurance within twenty (20) days.

Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Audits, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request the Commission to enter an order imposing the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-923. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Telecommunications

**A-311080. North Pittsburgh Telephone Company and Cricket Communications, Inc. d/b/a Cricket Wireless, Inc.** Joint petition of North Pittsburgh Telephone Company and Cricket Communications, Inc. d/b/a Cricket Wireless, Inc. for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and Cricket Communications, Inc. d/b/a Cricket Wireless, Inc. filed on May 14, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and Cricket Communications, Inc. d/b/a Cricket Wireless, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-924. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Telecommunications

**A-310967. Verizon Pennsylvania Inc. and Cambrian Communications LLC.** Joint petition of Verizon Pennsylvania Inc. and Cambrian Communications LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Cambrian Communications LLC filed on May 11, 2001, at the Pennsylvania Public Utility Commission, a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Cambrian Communications LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-925. Filed for public inspection May 25, 2001, 9:00 a.m.]

### Telecommunications

**A-310097F0002. Verizon Pennsylvania Inc. and Network Plus, Inc.** Joint petition of Verizon Pennsylvania Inc. and Network Plus, Inc. for approval of adoption of an interconnection agreement, and supplemental agreement no. 1 regarding UNE remand, under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Network Plus, Inc. filed on May 11, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Network Plus, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-926. Filed for public inspection May 25, 2001, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0126.S, Appraisal of PRPA Facilities, until 2 p.m. on Thursday, July 12, 2001. The bid documents can be obtained from the Director of Procurement, Philadelphia Regional Port Authority, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 29, 2001. PRPA

is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid meeting will be held Thursday, June 7, 2001, 10 a.m. at 3460 N. Delaware Avenue, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 01-927. Filed for public inspection May 25, 2001, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Approval of PSSA General Performance Level Descriptors and Performance Level Scores

At its regular public meeting held May 10, 2001, the State Board of Education (Board) unanimously approved General Performance Level Descriptors and Pennsylvania System of School Assessment (PSSA) Performance Level Scores recommended to the Board by the Department of Education (Department). The approved general performance descriptors and PSSA performance level scores were recommended to the Board by the Department at a special public study session of the Board held on May 9, 2001. The Board action was taken under general authority granted to it by the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and in accordance with specific provisions of the Board's regulations codified at 22 Pa. Code Chapter 4 (relating to academic standards and assessment). The approved general performance descriptors and PSSA performance level scores are described *infra* in the Appendix.

#### *Background*

Published at 29 Pa.B. 399 (January 16, 1999) the regulations of the Board now codified at 22 Pa. Code Chapter 4 "establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined." See 22 Pa. Code § 4.2 (relating to purpose). To help accomplish these goals, the Board established in Chapter 4 a State assessment system. The State assessment system is designed specifically to accomplish the following purposes:

- (1) Provide students, parents, educators and citizens with an understanding of student and school performance.
- (2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).
- (3) Provide results to school districts, including charter schools, and AVTSs for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).
- (4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.
- (5) Provide information to the general public on school performance.

(6) Provide results to school districts, including charter schools, and AVTSs based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP. See 22 Pa. Code § 4.51(a).

As prescribed by the regulations, the criteria for judging performance on State assessments are the following:

(1) Performance on State reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to indepth comprehension questions about the passages.

(2) Performance on State mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions which require a written solution to a problem.

(3) Performance on State writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing. See 22 Pa. Code § 4.51(b)(1)—(3). Levels of proficiency established by the regulations are "advanced, proficient, basic and below basic." 22 Pa. Code § 4.51(b)(4).

Under the regulations, it is the responsibility of the Department to develop State assessments "based on academic standards in mathematics, reading and writing under § 4.12 [(relating to academic standards)]." See 22 Pa. Code § 4.51(c). In developing assessments, the Department is required "to consult with educators, students, parents and citizens regarding the specific methods of assessment." Individual test results from the assessment are to be used in planning instruction "only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress." *Id.* The Department and other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district. *Id.*

The State assessments must be administered annually and include assessments of the State academic standards in mathematics and reading at grades 5, 8 and 11 and in writing at grades 6, 9 and 11. See 22 Pa. Code § 4.51(d). Students not achieving at the proficient level in the administration of State assessments in grade 11 must be provided one additional opportunity in grade 12 to demonstrate a proficient level on State assessments. See 22 Pa. Code § 4.51(e). The Secretary of Education has the authority to establish guidelines for the administration of the State assessment system. See 22 Pa. Code § 4.51(h).

#### *Development and Approval of Descriptors and Scores*

As part of the State assessment system established by the regulations, the Board delegated to the Department the very important task of developing specific criteria for each of the performance levels prescribed by § 4.51(b)(4)—advanced, proficient, basic and below basic. Specifically, the Department is directed by the regulations to "consult with educators, students, parents and citizens," and then to "develop and recommend to the Board for its approval specific criteria for each performance level." *Id.*

As reported to the Board at its May 9, 2001, special study session, the Department met with educators, parents, community and business leaders from across this Commonwealth to assist the Department in the development of the performance levels descriptors and scores. Based on these efforts as described in detail for the Board



at its May 9, 2001, meeting, the Department recommended the performance level descriptors and scores that the Board ultimately adopted at its May 10, 2001, meeting. Before adopting the performance level descriptors and scores on May 10, 2001, the Board provided members of the public in attendance with the opportunity to comment on the Department's recommendation. The approved performance levels (as they appear *infra*) will be applied to the 2001 PSSA test scores, which will be released in fall 2001. The Department and the Board will review the descriptors and scores periodically based on actual experience in using them and consider revisions as appropriate, using the same process prescribed by § 4.51(b)(4).

Persons with questions or needing additional information regarding the Board's approval of these performance levels descriptors and scores may contact Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367. Persons with questions or needing additional information regarding the development and implementation of them may contact Michael J. Kozup, Director, Bureau of Curriculum and Academic Services, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-8913 or TDD (717) 787-7367.

PETER H. GARLAND,  
*Executive Director*

#### APPENDIX

Pennsylvania's General Performance Level Descriptors and PSSA Performance Level Scores, as approved by the State Board of Education, are as follows:

#### General Performance Level Descriptors

**Advanced**—The Advanced Level reflects superior academic performance. Advanced work indicates an in-depth understanding and exemplary display of the skills included in the Pennsylvania Academic Content Standards.

**Proficient**—The Proficient Level reflects satisfactory academic performance. Proficient work indicates a solid understanding and adequate display of the skills included in the Pennsylvania Academic Content Standards.

**Basic**—The Basic Level reflects marginal academic performance. Basic work indicates a partial understanding and limited display of the skills included in the Pennsylvania Academic Content Standards. This work is approaching satisfactory performance but has not yet reached it. There is a need for additional instructional opportunities and/or increased student academic commitment to achieve the Proficient Level.

**Below Basic**—The Below Basic Level reflects inadequate academic performance. Below Basic work indicates little understanding and minimal display of the skills included in the Pennsylvania Academic Content Standards. There is a major need for additional instructional opportunities and/or increased student academic commitment to achieve the Proficient Level.

#### Performance Level Scores

##### Grade 5

	<i>Mathematics</i>	<i>Reading</i>
Advanced	1460	1480
Proficient	1300	1300
Basic	1170	1160
Below Basic		

##### Grade 8

	<i>Mathematics</i>	<i>Reading</i>
Advanced	1510	1490
Proficient	1300	1280
Basic	1180	1130
Below Basic		

##### Grade 11

	<i>Mathematics</i>	<i>Reading</i>
Advanced	1490	1520
Proficient	1310	1290
Basic	1180	1140
Below Basic		

[Pa.B. Doc. No. 01-928. Filed for public inspection May 25, 2001, 9:00 a.m.]

## STATE CHARTER SCHOOL APPEAL BOARD

### Schedule of Meetings

Notice is hereby given that the State Charter School Appeal Board will meet as follows:

July 30, 2001	10 a.m.
August 27, 2001	10 a.m.
September 24, 2001	10 a.m.
November 5, 2001	1 p.m.
December 17, 2001	1 p.m.
February 13, 2002	1 p.m.
April 10, 2002	1 p.m.
June 5, 2002	1 p.m.

Unless due and timely notice to the contrary is given, these meetings will be held in the Honors Suite on the first floor of the Education Building, 333 Market Street, Harrisburg.

Persons with disabilities needing special accommodations to attend the meetings may contact Ernest Helling, Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or the PA Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

ERNEST N. HELLING,  
*Board Counsel*

[Pa.B. Doc. No. 01-929. Filed for public inspection May 25, 2001, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of a Systems Integrator/Engineering Firm

#### Phase III of the Advanced Travelers Information System; Reference No. 3-139

The Turnpike Commission (Commission) is seeking interested firms to submit Letters of Interest for Systems

Integration Services for Phase 3 of the Commission's Advanced Travelers Information System (ATIS) Project.

This system will become the focal point for distribution of past, present and future Commission conditions to customers, for the Commission's internal utilization, as well as a source of information for other State and local agencies. The primary goal of this project will be to use the existing Intelligent Transportation Systems technology to monitor traffic flow and keep motorists informed of traffic conditions and allow the Commission's staff to efficiently and effectively manage the Commission's assets.

The ATIS is expected to evolve over time in a very modular fashion. A project specific open end contract is expected to be the principal development vehicle through which this system will evolve. Following are the guiding principles for the development of the system:

- The initial focus of the ATIS will be to build an operational system with a selected subset of information collection and dissemination capability.
- The designs for the ATIS will provide access to the diverse clients for the information that ATIS will collect and store.
- The ATIS will be modular in fashion such that new systems and technologies can be added with little to no affect on the existing components.

The short-term services to be provided include the design and development of the central software, detailed specification of computer hardware needs and implementation. In addition, the Commission foresees significant future effort in systems integration. As future devices and functionality are added, the Commission may require services to integrate new devices and enhanced capabilities. The estimated budget for this effort is \$ 2.5 million.

Questions and inquiries concerning this Project should be directed to Timothy M. Scanlon at (717) 939-9551 ext. 5590 or via e-mail at tscanlon@paturnpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737; or via e-mail at ghatalow@paturnpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for these projects:

a. Specialized experience and technical competence of the development team (Team) consisting of the prime consultant and subconsultants. The Team must clearly demonstrate the following:

- The ability to develop, starting with the functional requirements, a detailed requirements specification and system design for the Commission ATIS.
- The ability to document the development of these products in four major deliverables: system development plan, detailed requirements specification, acceptance test plan and detailed design document.
- The ability to assist the Commission staff in understanding the capabilities that will be provided through at least three formal reviews: preliminary design review, requirements walk-through and critical design review.
- The ability to integrate all required system components and provide an operational system passing all required acceptance test procedures that is fully in conformance with the system design.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The members of

each Team should identify similar projects that have been completed by that firm as the prime or subconsultant, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute each firm on the Team.

d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

e. Other factors, if any, specific to the project.

#### **General Requirements and Information**

Firms interested in providing the previous work and services are invited to submit a letter of interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the prime consultant's Federal identification number, the legal name, contact person or project manager, address of corporate office and project office, and other subconsultants on that Team. (If the firms have multiple offices, the location of the office performing the work must be identified.)

2. A 20 page expression of interest on the advertised project. Each Team should demonstrate their ability to perform the specific requirements indicated for the project and explain how the firms on the Team have successfully completed similar type projects of the same magnitude. The following topics must be addressed:

- Development Team Management and Experience (three pages maximum)—Specific to the development team, the Team shall present its experience and approach to the management of an incremental build process and experience with task order contracts. The development team certifications shall also be listed and discussed.

- Basic System Architecture (five pages maximum)—The Team shall demonstrate substantive experience in developing and implementing similar systems and shall describe a basic architecture including: hardware/software environment and database management system; graphical user interface functionality; and the integration of existing roadway subsystems.

- Development Process (five pages maximum)—In this section, the Team shall describe the development process, how it will be controlled, tracked and demonstrated. This must include: requirements tracking and configuration management; rapid prototyping; and development testing.

- Training, Operations and Maintenance (three pages maximum)—The Team shall demonstrate an understanding and an approach to performing the transition of the system to operations and maintenance. This should address: acceptance testing; training and documentation; and maintenance.

- Other Qualifications (four pages maximum)—The firm may include additional qualifications materials demonstrating their experience and qualifications in this section.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not submit the firms workload represented graphically.

5. The letter of interest must also include the following:

- Standard Form 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement. (One for the prime consultant and each subconsultant.)
- Resumes of key personnel expected to be involved in the project (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10%. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/ WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, Turnpike Commission, by calling (717) 939-9551 ext. 4241.

Firms interested in performing the previous services are invited to submit six copies of the letter of interest and required information to Barry L. Troup, P.E., Turnpike Commission Administration Building, Route 238 and Eisenhower Boulevard, Highspire, PA 17034. (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676.)

The letter of interest and required information must be received by 12 p.m., Friday, June 22, 2001. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, three or more firms will be shortlisted for this project. The shortlisted firms will be required to submit a technical proposal and a cost proposal based on the final versions of the "Phase III ATIS Systems Integration Systems Integrator RFP Sections" and the "Phase III Systems Integration Functional Requirements." Draft versions of these documents are available from Al Kazickas at [akazickas@hntb.com](mailto:akazickas@hntb.com).

Firms that submit technical and cost proposals will be required to give an oral presentation of their proposal to the Proposal Evaluation Team. The selected firm will be required to provide a copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 01-930. Filed for public inspection May 25, 2001, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

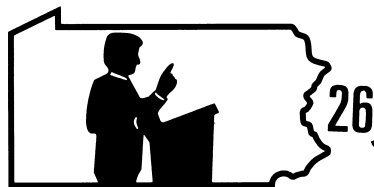
PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

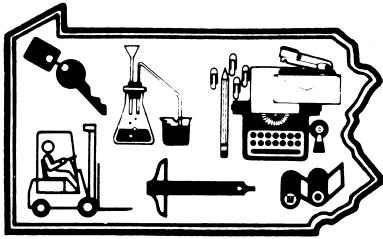
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

**1560110** Pipe Bender & Tooling, Hydraulic Ironworker.

**Department:** Corrections  
**Location:** Frackville, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**5810-03** Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 PM on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**ESO-174** 1 each—Helicopter search light, part # 030776, Spectrolab, Inc. Model # SX-16.

**Department:** State Police  
**Location:** Aviation Div., Capital City Airport, 575 Airport Drive, New Cumberland, PA 17070  
**Duration:** July 31, 2001  
**Contact:** Robert D. Stare, (717) 705-5921

**1006211** Part Number PRSB 30001 67" Rear Projection Smartboard with NEC MT1050 Projector.

**Department:** Public Welfare  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1568040** Weights and Weight Sets for Inspections.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1019381** Tank, Backpack, Firefighting, Stainless Steel. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Conservation and Natural Resources  
**Location:** Halifax, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services, (717) 787-2199

**6350-03** Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 PM on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-01** Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 PM on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**5850-01** Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1528210** Latest Model Full Size Wheelchair Passenger Vehicle, 4x2 bus type.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**4509-732-156** Fabric, twill. Various colors and widths Per PCID 1018.

**Department:** Corrections  
**Location:** Correctional Industries, SCI Huntingdon  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 731-7134

**ESO-134** 1 each—Non-linear junction detector, frequency band with 880 MHZ to 1005 MHZ, Orion Model #NJE-4000. NO SUBSTITUTE.

**Department:** State Police  
**Location:** Bur. Of Emergency & Special Operations, 171 E. Hersheypark Drive, Hershey, PA 17033  
**Duration:** July 31, 2001  
**Contact:** Robert D. State, (717) 705-5921

**1015111** Raincoating.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services, (717) 787-2199

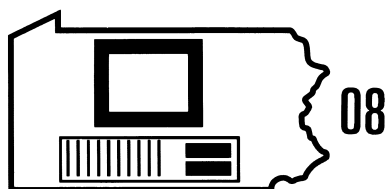
**CE-PISP-01-01** Brush Chipper, trailer mounted, in 9-inch capacity class, with diesel engine. Bandit Model 90XP, Vermeer Model 935 or approved equal.

**Department:** Conservation and Natural Resources  
**Location:** Presque Isle State Park, Erie, PA  
**Duration:** One-time purchase  
**Contact:** Pamula Stouffer, (717) 783-0760

**E-6988** 5,670 ton of driving surface rock aggregate for maintenance and stabilization of 2.5 miles of road on State forest lands.

**Department:** Conservation and Natural Resources  
**Location:** Whitaker Road  
**Duration:** 1 time only  
**Contact:** Pam Stouffer, (717) 783-0760

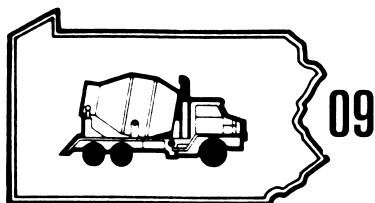
## SERVICES



### Computer Related Services

**RFP 01-R-001** The Department of State has need in the Bureau of Commissions, Elections and Legislation for services related to the development and implementation of an integrated voter registration system to network the voter registration information of Pennsylvania's 67 county voter registration offices.

**Department:** State  
**Location:** 116 Pine Street, 2nd Floor, Harrisburg, PA 17101  
**Duration:** 1-5 years  
**Contact:** Judith L. Holjes, (717) 787-3945



### Construction & Construction Maintenance

**DGS A 970-153** PROJECT TITLE: Install Water Line. BRIEF DESCRIPTION: Install approximately 800' of 8" D.I.P. water line, 400' plus or minus of 3" service line, vehicle wash pad and an oil-water separator. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. Plumbing Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, June 6, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** PA National Guard Armory—OMS #24, Carlisle, Cumberland County, PA  
**Duration:** 150 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 377-IINX1 REVISED REBID PROJECT** TITLE: General Works. BRIEF DESCRIPTION: This package is a general works package that includes the work of multiple trades & which will include responsibilities that will span the overall life of the project. Included in the package is the majority of the site & bldg. concrete work, such as curbs, sidewalks, bldg. & miscellaneous foundations, slabs on grade, equipment pads & concrete retaining walls. Also included will be all site asphalt paving, final grading, seeding, mulching, landscaping, running tracks, basketball courts & accessories, the facility rifle range & temporary & permanent site I.D. signs. This Contr. will be responsible for furnishing & installing all gypsum wallboard systems, all ceiling systems, operable panel partitions, miscellaneous rough carpentry & finish carpentry pertaining to architectural millwork, casework & unit kitchen cabinets. This Contr. responsibilities will also include furnishing & installing a vehicle lift, elevator, gym equip., loading dock equip. & inmate dining room furniture. In addition, this contr. shall be responsible for furnishing & maintaining site logistical concerns, such as porto-johns, dumpsters, site watchperson service, trailer cleaning services, temporary fire protection & snow removal services. EST. RANGE: Over \$10,000,000.00. Gen. Works Const. PLANS DEPOSIT: \$200.00 per set payable to: OK/DMJM. Refundable upon return of plans and spec. in reusable condition as constr. documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans & spec. Contact the office listed below to arrange for delivery of documents. A separate ck. must be submitted to cover the cost of delivery. Mail a separate ck. for \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222, Tel: 412/394-6888. Bid Date: FRIDAY, June 22, 2001.

**Department:** General Services  
**Location:** Forest County SCI, Jenks Township, Forest County, PA  
**Duration:** 465 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-102-801.2** All HVAC work associated with the new comfort station and renovations/addition to existing beach house and park office at Black Moshannon State Park in Centre County. NOTE: Requests for Bid Documents (\$63.60) may be made ON or AFTER May 29, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Rush Township  
**Duration:** 260 Days  
**Contact:** Construction Management Section, (717) 787-5055

**SP3863001006** Work included under this contract consists of fabricating and erecting an ornamental picket fence with solid steel pickets around the existing granite pyramid structure at Buchanan's Birthplace State Park, c/o Cowans Gap State Park.

**Department:** Conservation and Natural Resources  
**Location:** Buchanan's Birthplace State Park, c/o Cowans Gap State Park, 6235 Aughwick Road, Fort Loudon, PA 17224-9801  
**Duration:** 30 Days  
**Contact:** James L. Ross, (814) 733-9123

**FDC-102-801.3** All Plumbing work associated with the new comfort station and renovations/addition to existing beach house and park office at Black Moshannon State Park in Centre County. NOTE: Requests for Bid Documents (\$63.60) may be made ON or AFTER May 29, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Rush Township  
**Duration:** 260 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-102-801.4** All Electrical work associated with the new comfort station and renovations/addition to existing beach house and park office and new pump station at Black Moshannon State Park in Centre County. NOTE: Requests for Bid Documents (\$63.60) may be made ON or AFTER May 29, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Rush Township  
**Duration:** 260 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-215-777.1R** Convert 12 plus miles of existing trail into a bituminous paved trail at M.K. Goddard State Park in Mercer County. Work includes clearing and grubbing maintenance and protection of traffic; embankment; aggregates (41,200 tons); riprap (20,600 tons); geotextile (98,000 S.Y.); bituminous paving (14,000 tons); P.E. pipe (3,460 L.F.); line painting; signs (50); box beam separators (5,100 L.F.); 15 benches and trash receptacles; concrete (300 C.Y.); 8 Pratt Truss pedestrian bridges. NOTE: Requests for Bid Documents (\$63.60) may be made ON or AFTER May 30, 2001.

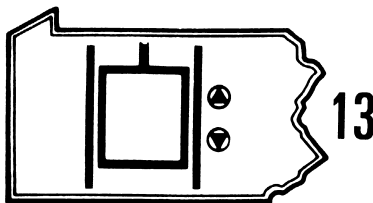
**Department:** Conservation and Natural Resources  
**Location:** New Vernon, Mill Creek and Sandy Lake Townships  
**Duration:** 335 Days  
**Contact:** Construction Management Section, (717) 787-5055

**00873046** Vendor will supply all labor, tools, equipment and materials required for the installation of thirty-four (34) windows in two (2) residences (Gatehouse 3 and Gatehouse 4).

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron & Maclay Streets, Harrisburg, PA 17106-1260  
**Duration:** Contract is anticipated to begin June 15, 2001  
**Contact:** Jack W. Heinze, PA III, (717) 772-7435

**DGS A 940-52 REBID .2 ONLY PROJECT TITLE:** Forster Street Upgrades. **BRIEF DESCRIPTION:** Furnish and install new panelboards along with associated feeders. Overhaul an existing 165 ton chiller and install new chiller control panel. **ESTIMATED RANGE:** Under \$100,000.00. HVAC Construction. **PLANS DEPOSIT:** \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, June 6, 2001 at 2:00 P.M.

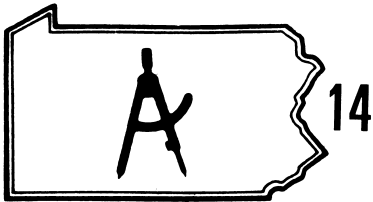
**Department:** General Services  
**Location:** Forster Street Building, Harrisburg, Dauphin County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556



### Elevator Maintenance

**SU-00-18** SU-00-18 Elevator Maintenance. Shippensburg University is seeking contractors interested in providing a proposal for full elevator maintenance for three residence halls. Contractors interested in obtaining a proposal package must request in writing to Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; (717) 477-1121 or FAX: (717) 477-4004.

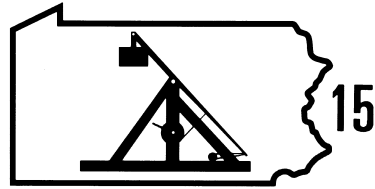
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA  
**Duration:** July 1, 2001 through June 30, 2002  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 477-1121



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

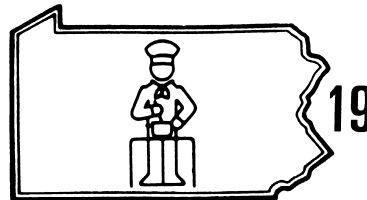
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**TSCT00-0019** IFG-2000-015 Thaddeus Stevens College of Technology will be issuing an invitation for bid for an 8' commercial aluminum fencing and gates with a coated finish. The fence will be 8' high by approximately 390 lineal feet. The gates will be 8' high by approximately 4' wide. Interested bidders may submit their request for a copy of the invitation to bid to: Betty Tompos, Business Manager, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602 or by Fax: (717) 299-7710 or by e-mail: [tompob@stevensstech.org](mailto:tompob@stevensstech.org).

**Department:** Education  
**Location:** Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** June 1, 2001  
**Contact:** Earla Ament, (717) 396-7163



### Food

**8970-1400-000** Milk products, Pennsylvania Milk Marketing Board's Class 1 product, Grade A, Vitamins A & D enriched, pasteurized/homogenized with scheduled deliveries and requested quantities upon quote format. Approximate quantities of consumption are as follows: 2% butterfat milk, packaging shall be 5 gallon bulk units with disposable spout dispenser tube—33.8M gallons, skin milk, packaging shall be 5 gallon bulk units with disposable spout dispenser tube—1.2M gallons, and half pint (8 oz.) skim milk containers—21M each. For more information, please contact the agency and person below.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137  
**Duration:** July 01, 2001 to June 30, 2002  
**Contact:** John Pitonyak Ext. 194, (724) 662-1837

**SMI-FS-025** Frozen Items—including but not limited to vegetables (broccoli spears, cauliflower, brussel sprouts), bakery products to include entrees, pizza, Pizza Shells, Waffles, etc. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2001 through June 30, 2002  
**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**SMI-FS-024** Poultry and Poultry Products—approximate requirements: turkey roasts, chicken, drumsticks, chicken fryers, ground turkey, stewing chickens, chicken wing dings, chicken breast fillets, whole turkey and other related items as required by the Institution. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2001 through June 30, 2002  
**Contact:** Peggy Chilcote, Purchasing Agt, (814) 643-6520, ext. 125

**SMI-FS-023** Frozen eggs and frozen egg products, Whole Type II, Class 4. Packaged in 30 lb. plastic containers. To be bid on an as-needed basis determined by the Institution. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 2001 through June 30, 2002  
**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**8970-1300-000** Cheese products as follows: Yellow processed cheese, Grade B or better—8M#, Mozzarella—5M#, and cheddar—4M#. The specifications for each item are contained upon a quarterly (90 day interval) quote with scheduled deliveries and requested quantities. Total poundage for each item are approximations. For more information, please contact the listed agency and person below.

**Department:** Corrections

**Location:** State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137

**Duration:** July 1, 2001 to June 30, 2002

**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

**SMI-FS-019** Fish and seafood—as needed only—approximate requirements—haddock and cod. Breaded and unbreaded. Minced Clams and other seafood as required by the institution. Tuna, solid water packed (when not available from Statewide Contracts). And other similar items as required. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**SMI-FS-018** Protein alternative products—as needed only, to include, but not limited to, soy burgers, grain burgers, garden burgers, dry mixes, soy products (when not available from Statewide contracts). Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520

**SMI-FS-016** Fresh milk—Homogenized, Pasteurized Milk—packaged in 1/2 pts. Skim and 2%. Monthly bids—monthly awards—weekly deliveries. All quantities on an as needed basis. All requested deliveries must be received between the hours of 8:00 a.m. and 10:00 a.m. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correction Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**SMI-FS-015** Fresh produce—Food group consisting of approximately 15 items, including but not limited to lettuce, celery, cucumbers, carrots, oranges, apples, potatoes, onions, kale, spinach, bananas, cabbage, grapefruit, tomatoes, peppers, watermelon, tangerines, cantaloupe and similar items. Monthly bids—monthly contract awards—weekly deliveries (2 deliveries per week). All produce must be delivered between the hours of 8:00 a.m. and 10:00 a.m. on scheduled delivery dates. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**SMI-FS-026** Baking Products—including but not limited to canned sauces and related items as required. Items to consist of some of the following: yeast, various extracts, pizza sauces, flour and wheat, all purpose cake blend, 100 # bag, cheese pizzas and oleomargarine. Bid when required on quarterly basis if not available through Statewide contracts. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**SMI-FS-022** Cheese—consisting of yellow and white American cheese, shredded mozzarella or various block cheeses and related items as requested by the Institution. Quantities on an as needed basis. Interested bidders should contact the Purchasing Department, in writing to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**8970-1000-000** Frozen meat items (beef, fish, & poultry), vegetables, processed foodstuffs, eggs, and margarine prints. Items to be bid on a quarterly basis (90 day interval) with scheduled deliveries and requested quantities. Approximate velocities of consumption of the aforesaid items are as follows: Carcass and processed beef products—20M#, Carcass and processed chicken products—31M#, Carcass and process turkey products—33M#, Processed fish products—20M#, Vegetables—4.5M#, Processed foodstuffs—6M#, Vegetable pie—180 cases (cs), Waffles—280 cs, Eggs—640 cs, Margarine prints—2M cs, and prepared soy/grain products—10M#. Specifications for the requested items are contained upon the quote format. For more information, please contact the listed agency and person below.

**Department:** Corrections

**Location:** State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137

**Duration:** July 01, 2001 to June 30, 2002

**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

**SMI-FS-017** Bread, White, Fresh—28 oz. loaves, 28 usable slices, excluding heels. Quarterly bids—quarterly awards, weekly deliveries (4 times per week). Quantities as needed. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**8970-1900-000** Produce, fresh vegetables and fruits, monthly quote/award with weekly deliveries. Specifications and quantities are upon the monthly quote. For more information, please contact the listed agency and person below.

**Department:** Corrections

**Location:** State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137

**Duration:** July 01, 2001 to June 30, 2002

**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

**SMI-FS-021** Ice Cream, vanilla and neapolitan slices and similar items as requested by the institution. (NO PORK PRODUCTS). All quantities on an as needed basis. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**070101** Vendors to supply perishable foods to the Youth Development Center in New Castle for the quarter—July, August, September, 2001. Categories include: Shell eggs; Fresh Bread, Rolls, & related products; Fresh Pastries; Fresh Pies & Cakes; Fresh Fruits & Vegetables; Fresh Prepared Fruits & Vegetables; Frozen Fruits & Vegetables; Ice Cream & Ice Cream Products; Fresh Cheese & Dairy Products; Fresh Meats; Miscellaneous Prepared Foods; Fresh Poultry; and Fresh Fish.

**Department:** Public Welfare

**Location:** Youth Development Center, R. R. 6 Box 21A, Frew Mill Road, New Castle, PA 16101

**Duration:** July, August, September, 2001

**Contact:** Kathy Zeigler, (724) 656-7308

**SMI-FS-027** Eggs, Shell, White, Grade A, Class 1, Medium Naturals. All deliveries must be received between the hours of 8:00 a.m. and 10:00 a.m. Quarterly bids—quarterly awards, weekly deliveries. Interested bidders should contact the Purchasing Department, in writing, to request a bid proposal prior to bid solicitation or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**SMI-FS-020** Processed Meats—including but not limited to beef/pork products—frankfurters (all beef and turkey franks), turkey ham, turkey bologna, turkey salami, beef, beef liver, lebanon bologna, bacon, turkey franks, veal patties and pullman hams and similar items as required. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections

**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652

**Duration:** July 1, 2001 through June 30, 2002

**Contact:** Peggy Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

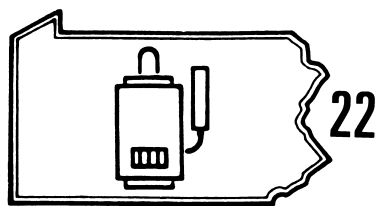
**629** Bread and bread products.

**Department:** Public Welfare

**Location:** Polk Center, P. O. Box 94, Polk, PA 16342

**Duration:** July 1, 2001 through December 31, 2001

**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229



## HVAC Services

**090909** Annual maintenance of oil/gas fired heating systems to include 3 required maintenance visits (between September 1st and 15th, January 1st and 15th, and May 1st and 15th) and 16 hours estimated for emergencies (if needed) at each location. There are 8 individual locations, in 5 different counties. Bids will be accepted and contracts will be offered by individual locations, a combination of locations, and/or a total of all locations, whichever is in the best interest of the Commonwealth. A tentative bid opening is anticipated for June 8, 2001.

**Department:** Transportation

**Location:** Bedford, Cambria, Fulton, Huntingdon, and Somerset County Maintenance Buildings, and 3 Somerset County Stockpile Buildings located in Buckstown, Meyersdale, and Jenners

**Duration:** Multiple year with possible renewals beginning September 2001.

**Contact:** Frank Olsavsky, (814) 696-7267

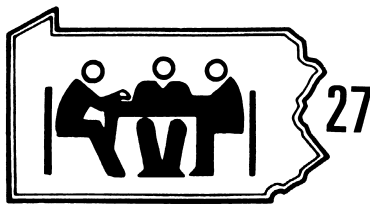




### Janitorial Services

**Janitorial Services** Contract shall include: A. One major cleaning and sanitizing of all office, restroom, supply, file, lunchroom and conference room areas. B. A monthly cleaning of all of the above mentioned areas. C. Routine janitorial service for all of the above mentioned areas. A mandatory pre-bid meeting will be held on June 18, 2001 at 9:00 a.m. If you are interested in bidding on this contract, your must be at this meeting.

**Department:** Transportation  
**Location:** SR 2037 off TR 36, a mile East of Punxsutawney, PA 15767  
**Duration:** July 1, 2001 through June 30, 2002  
**Contact:** Janice L. Redding or H. Daniel Cessna, (814) 938-6300



### Lodging/Meeting Facilities

**SU-00-25** Shippensburg University is seeking vendors interested in submitting bids for conference facilities in the State College, PA area. Must have facilities for 45-50 individuals for lodging, meeting rooms and food service. Must also have Audio/Visual equipment available for rental. Please fax your request to Pam King at 717-477-4004 to be added to bidders list by June 1, 2001. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** Various dates from July 1, 2001 through June 30, 2002  
**Contact:** Pamela King, (717) 477-1121

**420036** Meeting room for approximately 140 people with 5 breakout rooms during February 27 through March 1, 2002. Full breakfasts/lunches/breaks required within the facility. Lodging for 110 single rooms on February 26, 27, and 28, 2002 required. Facility must be capable to provide Videoconferencing/Overhead Projectors with Screens/Slide Projectors/TV/VCR and associated classrooms items. Facility must be located not more than 5 miles from the Borough of State College, PA. If you want a bid package please fax your name and address to E J Platt at (717) 783-5955.

**Department:** Transportation  
**Location:** PennDOT, Bureau of Construction & Materials, P.O. Box 2926, Harrisburg, PA 17105  
**Duration:** February 27, 2002 through March 31, 2002  
**Contact:** E. Jean Platt, (717) 783-6717

**2010010026** The Pennsylvania State Police is seeking a facility to conduct a 3-day conference within a ten (10) mile radius of the I-80 and I-476 Interchange for Commonwealth law enforcement personnel beginning 12:00 PM on September 25, 2001 and ending 12:00 PM September 27, 2001. Must provide approximately (10) single occupancy and (90) double occupancy lodging rooms, meeting rooms, break refreshments, breakfast, lunch and dinner.

**Department:** State Police  
**Location:** Within a ten (10) mile radius of the I-80 and I-476 Interchange  
**Duration:** September 25 through September 27, 2001  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 705-5923

**2010010023** The Pennsylvania State Police, Municipal Police Officers' Education and Training Commission is seeking a facility to conduct a conference in the Allegheny, Fayette or Westmoreland County area during October 21 through October 26, 2001. Facility must provide 60 individual (single) lodging rooms per night (non-smoking and smoking) beginning October 21 through October 26, 2001, checkout 12 noon. Must provide three large meeting/training rooms to accommodate 50+ people, two breakout rooms and two breakfast rooms for 50 people each beginning October 22 at 8:00 AM through October 26 at 6:00 PM. Must provide hot/cold buffet style breakfast for 65 people and buffet lunch for 90-125 people for October 22 through October 26, in a separate room, and break refreshments daily.

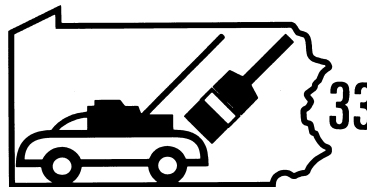
**Department:** State Police  
**Location:** Allegheny, Fayette or Westmoreland County, PA area  
**Duration:** October 21 through October 26, 2001  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 705-5923

**2010010024** The Pennsylvania State Police, Municipal Police Officers' Education and Training Commission is seeking a facility to conduct a conference in the Philadelphia, Bucks, Delaware or Montgomery County area during November 4 through November 9, 2001. Facility must be located within 25 miles of the Philadelphia City Limits. Facility must provide for 50 individual (single) lodging rooms per night (non-smoking and smoking) beginning November 4 through November 9, 2001, checkout 12 noon. Must provide three large conference/meeting rooms to accommodate 50+ people each, two breakout rooms and one break room for 50 people each beginning November 5 at 8:00 AM through November 9, at 6:00 PM. Must provide hot/cold buffet style breakfast for 65 people and buffet lunch for 90-110 people from November 5 through November 9, in a separate room.

**Department:** State Police  
**Location:** Philadelphia, Bucks, Delaware or Montgomery County, PA area (within 25 miles of the Philadelphia City Limits)  
**Duration:** November 4 through November 9, 2001  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 705-5923

**2010010025** The Pennsylvania State Police, Municipal Police Officers' Education and Training Commission is seeking a facility to conduct a conference, within a 25-mile radius of Hershey, in the Central Pennsylvania area from January 13 through January 18, 2002. Facility must provide 35 individual (single) lodging rooms (non-smoking and smoking) beginning January 13 at 4:00 PM through January 18, 2002, checking out at 12 noon. Must provide two large meeting/training rooms to accommodate 50 people and two small breakout rooms for 25 people each beginning January 14, 2002, at 8:00 AM through January 18, 2002 at 6:00 PM. Must provide hot/cold buffet breakfast for 50 people and lunch for 80-100 people from January 14 through January 18, in a separate room and break refreshments daily.

**Department:** State Police  
**Location:** Within a 25-mile radius of Hershey, PA (Central PA area)  
**Duration:** January 13 through January 18, 2002  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 705-5923



### Property Maintenance

**SU-00-23** Shippensburg University is seeking vendors interested in providing all labor, materials and equipment necessary to prune and feed trees located on the Shippensburg University Campus. Services also to include treatment of Hemlock trees for Woolly Adelgid, treatment of Locust trees for Locust leaf plant bug and treatment of Birch for control of leaf minor. Vendors interested in being added to bidders list must FAX their request to the attention of Pam King at (717) 477-4004, by June 1, 2001. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** September 1, 2001 through August 31, 2002  
**Contact:** Pamela King, (717) 477-1121

**63-0138.1A** West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids for Project 63-0138.1A. The work includes demolishing 9 rows of lockers in the men's locker room at Sturzebecker Health and Science Center. The 9 rows of lockers comprise approximately 288 lineal feet of concrete filled bases with metal lockers. It is anticipated that the demolition will start during the first week of August and be completed within 21 days. A site visit will be held on June 7, 2001 at 10:00 a.m. meeting in the men's locker room. Bids are due and will be publicly opened on June 22 at 11:00 a.m.

**Department:** State System of Higher Education  
**Location:** Sturzebecker Health and Science Center, West Chester University  
**Duration:** 21 days from Notice to Proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**05-C-01** Building Renovations: General contracting work necessary to renovate existing office space located at 1101 Green Avenue, Altoona, PA 16601. Mandatory on-site inspection to be held on June 1, 2001, 10:00 AM. For bid package call Cheri Thomas at 717-787-2877 or fax your request to (717) 787-0688

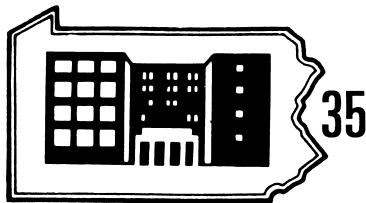
**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Bureau of Blindness & Visual Services, 1101 Green Avenue, Altoona, PA 16601  
**Duration:** All work must be completed by July 16, 2001  
**Contact:** Cherianita Thomas/BF, (717) 787-2877

**08-051S03** This contract is intended to provide grounds maintenance (mowing, shrub trimming, snow removal) for acquired properties associated with the Berks County 222-001 Improvement Project and the I-78-17M Improvement Project. Fifty four properties of varying size are anticipated to be maintained under the proposed contract. The contract will be for one year with the option to renew each year for an additional three years.

**Department:** Transportation  
**Location:** Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103  
**Attn:** R/W Unit  
**Duration:** July 2001 to July 2002 with a three year renewal option  
**Contact:** Kenneth S. Kutchinsky, (610) 798-4271

**SP 3810022** Services required for woven wire and electric deer fences in various State Forest Districts throughout the Commonwealth of Pennsylvania. This is a State-wide contract and may result in multiple awards.

**Department:** Conservation and Natural Resources  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** Notice to proceed through June 30, 2003 with three additional 1 year renewals.  
**Contact:** Pamela Stouffer, (717) 783-0760



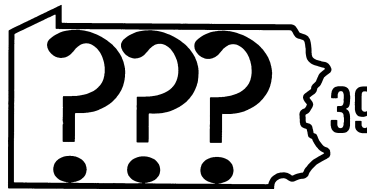
### Real Estate Services

**93236** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 31,563 useable square feet of office space with a minimum parking for seventy (70) vehicles, in areas where street or public parking is not available, an additional seventy (70) parking spaces are required, within a one (1) mile radius of the public square and bounded by the Susquehanna River, Wilkes-Barre, Luzerne County, PA. Downtown locations will be considered. For more information on SFP #93236 which is due on July 9, 2001, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952

**93234** LEASE OFFICE AND LABORATORY SPACE TO THE COMMONWEALTH OF PA 26,390 sq. ft. of office and laboratory space with 15 parking spaces, within a twelve (12) mile driving distance of the Capitol Building, Harrisburg, Dauphin County, PA. The Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey will occupy the space. Downtown locations will be considered. For more information on Solicitation #93234 which is due on June 11, 2001, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Conservation and Natural Resources  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952



### Miscellaneous

**LBLA014/NO-809** Nursing uniforms—Male and Female—Vendor must be within a 15-mile radius of the Hollidaysburg Veterans Home—Employees must be able to go in to vendor's establishment, try on for size, and be able to purchase the uniform(s) at this time. To receive a bid packet or if you have any questions, please fax your request to Becky J. Clapper, Purchasing Agent III, (814) 696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rte. 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** 01 July 2001 through 30 June 2002  
**Contact:** Becky J. Clapper, fax (814) 696-5395

**PGC-2716** Agency is seeking a contractor to provide marketing recommendations, furnish and warehouse promotional items, and provide fulfillment of items ordered through the Pennsylvania Game Commission's website. A request for proposal can be obtained through agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** From award through June 30, 2002, with an option to renew four additional years (one year at a time)  
**Contact:** Diane Shultz, (717) 787-6594

**PGC-2714** Agency is seeking contractor to erect Woven Wire Deer Enclosure Fencing on multiple State Game Lands in the Southcentral, Northeast, and Southeast regions of the State. The totals are estimated as follows: 942 Acres or 140,427 Linear Feet. (Award to be made on a lump sum basis for entire project.) Specifics are available in bid package through agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** From award through May 15, 2002  
**Contact:** Diane Shultz or Linda Beaver, (717) 787-6594

**PGC-2715** Agency is seeking contractor to erect Woven Wire Deer Enclosure Fencing in the Northwest and Southwest regions of the State on multiple State game lands. Totals are estimated as follows: 723 Acres or 136,705 Linear Feet. (Award to be made on lump sum basis for entire project.) Specifics are available in bid package through agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Land Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** From award through May 15, 2002.  
**Contact:** Diane Shultz or Linda Beaver, (717) 787-6594

[Pa.B. Doc. No. 01-931. Filed for public inspection May 25, 2001, 9:00 a.m.]

## DESCRIPTION OF LEGEND

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 sup # 8	05/10/01	Welcom	5,000.00
5810-03 sup # 8	05/10/01	Niku Corp.	5,000.00
5810-03 sup # 8	05/10/01	Earthsoft	25,000.00
5810-03 sup # 8	05/10/01	Aprisma Manage- ment Tech- nologies	15,000.00
5810-03 sup # 8	05/10/01	Estari Inc.	5,000.00
5810-03 sup # 8	05/10/01	GTSI	5,000.00
5810-03 sup # 8	05/10/01	Innovative Systems	5,000.00
5810-03 sup # 8	05/10/01	Intellimark	5,000.00
5810-03 sup # 8	05/10/01	J & B Soft- ware Inc.	5,000.00
5810-03 sup # 8	05/10/01	Perfect Order Manufac- ture	5,000.00
5810-03 sup # 8	05/10/01	Vitalchek Network	5,000.00
5810-03 sup # 8	05/10/01	Xiotech Corp.	5,000.00
1002041-01	05/14/01	B & E Eggs	22,290.40
1229110-01	05/14/01	G. A. Braun	235,400.00
1241150-01	05/14/01	Royer Foundry Systems/ dba Vibra- Con	76,785.00
1391200-01	05/14/01	Intoximeters Inc.	112,500.00
1412340-01	05/14/01	Videotape Products	132,034.10

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1419150-01	05/14/01	Tape Prod- ucts	30,850.00
1444200-01	05/14/01	Astec Microflow Systems	82,788.00
1457350-01	05/14/01	Thermo Andersen	19,200.00
1519040-01	05/14/01	R-Biopharm	19,650.00
1536070-01	05/14/01	Moore North America	23,940.00
8172030-01	05/14/01	Golden Eagle Construc- tion	1,606,620.50
8172040-01	05/14/01	Golden Eagle Construc- tion	1,500,600.00
8252580-01	05/14/01	Geoff Tractor & Equip- ment	16,145.00
8252610-01	05/14/01	Maguire's Ford of Hershey	59,387.00
8505670-01	05/14/01	Black Moun- tain Inc.	439,600.00
8505720-01	05/14/01	Terre Hill Concrete Products	37,117.00
8505740-01	05/14/01	A. C. Miller Concrete Products	29,735.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 01-932. Filed for public inspection May 25, 2001, 9:00 a.m.]

